



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 14.07.2021
CORAM:

THE HONOURABLE Mr. JUSTICE S.S.SUNDAR

W.P. No. 14397 of 2021
and W.M.P. No.15307 of 2021

S.Kandasamy

.. Petitioner

Versus

1.The Divisional Engineer (C&M),
Highways Department,
Gobichettipalayam,
Erode District.

2.The Assistant Engineer,
Highways Department,
Thalavadi, Erode District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari calling for the records relating to the order of suspension passed by the first respondent in proceedings No.665/2020/A1 dated 31.12.2020 and quash the same.

For Petitioner : Mr. S.Parthasarathy
For Respondents : No appearance

O R D E R

This writ petition is filed to quash the order of suspension passed by the first respondent in proceedings No.665/2020/A1 dated 31.12.2020.

2. The petitioner is working as Road Worker (Salai Paniyalar) in the respondent department. It appears that a criminal complaint was lodged by the petitioner's neighbour and a case was registered in Cr. No.777 of 2020 for the offences punishable under Sections 294(b), 323, 354, 506(ii) IPC. The petitioner also gave a complaint to the Police and it is pending. Based on the complaint, the petitioner was arrested on 22.12.2020 and later released on bail by the Judicial Magistrate, Sathyamangalam. By the impugned order the petitioner was suspended as he was in imprisonment for seven days. Challenging the order of suspension, the petitioner has filed the above writ petition.



3. Subsequent to the impugned order of suspension, the petitioner has submitted a representation to the respondents for revocation of the order of suspension on the basis of certain facts. The grievance of the petitioner is that the petitioner though is innocent, has been placed under suspension merely because he was arrested on a false complaint lodged by the petitioner's neighbour.

4. The petitioner states that the order of suspension without issuing show cause notice is against the principles of natural justice. It is further stated that the petitioner is the only bread winner of the family and no subsistence allowance is also paid to the petitioner. Though the petitioner has given a representation, the first respondent has not disposed of the representation to revoke the order of suspension. The order of suspension is not for a specific period. Though the order of temporary suspension is unavoidable, it cannot be for an indefinite period. Since the petitioner has already given a representation to the respondents for revocation of the order of suspension, this Court is inclined to dispose of the writ petition in the following lines:

The first respondent is directed to consider and dispose of the representation of the petitioner dated 19.02.2021, on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order, after giving sufficient opportunity to the petitioner of being heard and communicate the order to the petitioner.

5. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

bkn
To

1.The Divisional Engineer (C&M),
Highways Department,
Gobichettipalayam,
Erode District.

2.The Assistant Engineer,
Highways Department,
Thalavadi, Erode District.

+1cc to Mr.S.Parthasarathy, Advocate SR.No. 33091
+1 cc to Government Pleader Sr.No. 34026

W.P. No. 14397 of 2021

PCH (CO)

<https://hcservices.ecourts.gov.in/hcservices/>
A.SR(06.08.2021)