

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.09.2021

CORAM

THE HONOURABLE MR.JUSTICE **C.SARAVANAN**

W.P.No.19372 of 2021

and

W.M.P.Nos. 20666 & 20667 of 2021

(Through Video Conferencing)

N. Kanthasamy

... Petitioner

Vs

The District Collector,
Villupuram District,
Villupuram.

... Respondent

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records of the respondent relating to the order in proceedings Ref. No.A1/15938/2019, dated 20.06.2019, to quash the same and to issue consequential directions to the respondent to pay 75% of the revised pay applicable to the petitioner's post as subsistence allowance with arrears from 19.12.2019 to 30.07.2021 and to forthwith reinstate the petitioner in service with all consequential benefits.

For Petitioner : Mr.M.Ravi

For Respondent : Mr.L.S.M.Hasan Fizal
Government Advocate

ORDER

The petitioner was placed under suspension on 20.06.2019. After the petitioner was placed under suspension on the aforesaid date, a charge memo was belatedly issued on 30.04.2021. The petitioner has thereafter sent a representation to the respondent to furnish records and also filed another representation dated 17.06.2021 for revocation of the suspension as the disciplinary proceedings has not been progressed.

2.The learned counsel for the petitioner has placed reliance on the decisions of this Court in W.P.No.1254 of 2020 dated 10.02.2020 and W.P.No.10494 of 2020 dated 06.08.2021. He further submits that the charge memo was issued belatedly and contrary to the decisions of the Hon'ble Supreme Court in **Ajay Kumar Choudry Vs. Union of India** 2015 (7) SCC 291. It is further submitted that the respondents are not proceeded with the

disciplinary proceedings stating that the files are with the department.

3. Considering the fact, that the petitioner has already been placed under suspension and a charge memo has been issued, this court is inclined to dispose this writ petition by directing the respondent to complete the disciplinary proceedings pursuant to the charge memo dated 30.04.2021 within a period of six months from the date of receipt of a copy of this order. In case, the disciplinary proceedings was not completed within the aforesaid period, the respondents are directed to ask the petitioner to report the duty. While disciplinary proceedings, the respondents are directed to comply with the statutory safeguards and follow the principles of natural justice.

4. Accordingly, this writ petition stands disposed of with the above observations. No costs. Consequently, connected miscellaneous petitions are closed.

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14.09.2021

Index: Yes/ No

Internet : Yes/No

Speaking/Non-speaking Order

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C.SARAVANAN, J.

jas/rgm

To

The District Collector,
Villupuram District,
Villupuram.



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This matter has been listed under the caption “ Mentioned” .

2. By order dated 14.09.2021, when the writ petition was disposed of, the relief of payment of subsistence allowance was not ordered. Therefore, request is made by the learned counsel for the petitioner to include the same in paragraph No.3 of the order dated 14.09.2021.

3. In view of the request made by the learned counsel for the petitioner, at the end of paragraph No.3 of the order dated 14.09.2021, the following sentence shall be included:

“Respondents are also directed to pay the subsistence allowance to the petitioner as per rules applicable within a period of 30 days from the date of receipt of a copy of this order”.

16.09.2021

(Note to Office : Registry is directed to

incorporate the necessary correction and
issue fresh order copy)

C.SARAVANAN, J.

adl



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16.09.2021