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IN THE HIGH COURT OF JUDICATURE AT MADRAS

D A T E D : 30.09.2021

C O R A M

The Hon'ble Mr. Justice C.SARAVANAN

Writ Petition No.21099 of 2021
and
WMP.No.22356 of 2021

(Through Video Conferencing)

V.Gridhar ... Petitioner

Vs.

1.State of Tamil Nadu

rep. By the Principal Secretary to Government,
Health and Family Welfare Department,
Fort St. George, Chennai -600 009.

2.The Director of Medical and Rural Health Services,
Office of the Directorate of Medical
and Rural Health Services,
DMS Compound, Teynampet
Chennai - 600 006.

3.The Directorate of Medical Education
Office of the Directorate of Medical Education,
Kilpauk, Chennai - 600 010.

4. The Director,
The Institute of Mental health,
Kilpauk, Chennai-600 010.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records in the impugned order bearing Proceedings No.K.Dis.No.5247/E1/2021 dated 07.09.2021 passed by the 4th Respondent and quash the same and direct the respondents to post



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the Petitioner as Junior Administrative Officer, in the office of the 4th Respondent.

For Petitioner : Mr.L.Rajasekar

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

O R D E R

The Petitioner is already facing a Disciplinary Proceeding. It is submitted that the enquiry is over. Further Disciplinary Proceeding is to be taken by the Disciplinary Authority. Meanwhile, the Petitioner has been issued with the impugned suspension dated 07.09.2021. The impugned suspension order reads as under:-

'Vide the reference 1st interim order cited for W.P.(M.P.) No.16484 of 2020 filed by Thiru K.R.Raja at High Court of Madras, Madurai Bench had been issued. Vide the 2nd reference letter cited it has been instructed to depute the concerned official dealing this file to meet the Government pleader, Hon'ble Madurai Bench of Madras High Court with relevant records to apprise the details of the case and to prepare Draft Counter Affidavit in consultation with the Government Pleader and to sent the same to Government for approval along with the copy of the Petitioner's affidavit and responses to the query raised by the Hon'ble High Court. Since the necessary action has not been taken from the concerned official namely Thiru.V.Gridhar, Junior Administrative Officer, the same has been instructed vide the 3rd reference letters D.O. Letter cited.

On verification of the above dereliction it is evident that Thiru V.Gridhar, Junior Administrative Officer, of this institution being a section in charge neither the delinquent must Act upon according to the emergency but he didn't do so nor he urge his subordinate for this very essential regard.



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AND WHEREAS for his dereliction of duties on enquiry into grave charges against Thiru.V.Gridhar, Junior Administrative Officer, is contemplated.

And whereas in the circumstances of the case, it is necessary in the public the said Thiru.V.Gridhar, Junior Administrative Officer, under suspension from service:

And whereas in the circumstances of the case, it is necessary in the public interest to place the said Thiru.V.Gridhar, Junior Administrative Officer, under suspension from service and the reasons for such suspension cannot be furnished in the legal public interest:

Now, therefore, under sub-rule(e) of Rule 17 of Tamil Nadu Civil Services (D & A) Rules, the said Thiru.V.Gridhar, Junior Administrative Officer, is with immediate effect/from the date of his relief from duty, placed under suspension from service, until further orders;

2. During the period of suspension, the said Thiru.V.Gridhar, Junior Administrative Officer, will be paid subsistence allowance and dearness allowance admissible under F.R.53(1).

3. The headquarters of the said Thiru.V.Gridhar, Junior Administrative Officer, during the period of suspension should be in Chennai and the said Thiru.V.Gridhar, Junior Administrative Officer, should not leave the headquarters without obtaining the prior permission of the authority concerned.'

The allegations contained in the suspension order appears to be two trivial to suspend the Petitioner without a proper enquiry.

2. Considering the same, the impugned suspension order dated 07.09.2021 is quashed. Liberty is now given to the Respondents to initiate appropriate departmental proceedings against the Petitioner, in case, any case is made out against the petitioner for punishing the Petitioner in terms of the provision of the Tamil Nadu Civil Services (Discipline and Appeal) Rules. The said exercise may carried out by the



Respondents within a period of 45 days from the date of receipt of copy of this order.

3. The writ petition stands allowed with the above observations. The Petitioner is directed to co-operate with the Respondents in the pending Disciplinary Proceedings and any other Disciplinary Proceedings which may be initiated against the Petitioner for which the Petitioner was placed under suspension vide impugned suspension order dated 07.09.2021. No costs. Consequently, connected WMP is closed.

Sd/-

Assistant Registrar (CS-VII)

// True Copy //

Sub Assistant Registrar

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To

- 1.The Principal Secretary to Government,
Government of Tamil Nadu
Health and Family Welfare Department,
Fort St. George, Chennai -600 009.
- 2.The Director of Medical and Rural Health Services,
Office of the Directorate of Medical
and Rural Health Services,
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Kilpauk, Chennai - 600 010.
4. The Director,
The Institute of Mental health,
Kilpauk, Chennai-600 010.

+1CC to Mr.L.Rajasekar, Advocate, SR.No. 50718

+1CC to The Government Pleader, SR.No. 51588

W.P.No.21099 of 2021

GJ(CO)

B.VC (22/10/2021)