



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.06.2021

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**THE HONOURABLE MRS.JUSTICE J.NISHA BANU**

W.P(MD)No.9750 of 2021

and

W.M.P(MD)No.7451 of 2021

WEB COPY

S.Murugan

... Petitioner

Vs.

1.The Commissioner,  
The Corporation of Madurai,  
Municipal Administration Department,  
Madurai.

2.The District Collector/Special Officer  
of Madurai Corporation,  
Madurai,  
Madurai District.

... Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records on the file of the first respondent's impugned suspension order vide Ma.Ni.2/010201/2020 dated 06.12.2020 and quash the same as illegal and devoid of merits and direct the respondents to revoke the order of suspension and re-instate the petitioner into service.

For Petitioners : Mr.Raja Karthikeyan  
For Respondents : Mr.R.Murali  
Standing Counsel

**ORDER**

Mr.R.Murali, learned Standing Counsel, accepts notice on behalf of the respondents.

2. By consent, the Writ Petition is taken up for final disposal at the admission stage itself.

3. This writ petition has been filed by the petitioner seeking for issuance of a Writ of Certiorarified Mandamus, to quash the the first respondent's impugned suspension order, vide Ma.Ni.2/010201/2020, dated 06.12.2020 and consequently direct the respondents to revoke the order of suspension and re-instate the petitioner into service.

4.The case of the petitioner is that the de-facto complainant has given a complaint on 03.12.2020 against the petitioner before the Chief Minister and the said complaint was forwarded to the Inspector of Police(L&O), S.S.Colony Police Station, Madurai, for investigation. The Inspector of Police has



investigated the complaint and called the petitioner to appear before him, for enquiry and the petitioner has also appeared. After completion of enquiry, the Investigating Officer has given a finding that there is no such event had been taken place, as alleged in the complaint and accordingly, closed the complaint. Once again, the de-facto complainant had given complaint before the Hon'ble Chief Minister of Tamil Nadu. Hence, the first respondent has passed the impugned order, without conducting enquiry.

5.The de-facto complainant has given another complaint before All Women Police Station, Thilagar Thidal, on 23.04.2021, for the same occurrence. On receipt of the said complaint, the Police Authority, without conducting any enquiry, registered the case. In the mean time, the impugned order has been passed on 06.12.2020 stating that when an enquiry into grave charges pending against the petitioner, he is suspended from service, whereas, no complaint was received by the first respondent from the de-facto complainant. In order to prevent the petitioner to get promotion to the post of Sanitary Officer, the said complaint was given. Hence, the petitioner has given representations to the first respondent on 13.10.2020 and 03.12.2020 to conduct an enquiry on series of false complaints against him, but, no action has been taken. Though the petitioner was suspended from service on 06.12.2020, no charges were framed against him till date. Hence, the petitioner has made representations dated 21.01.2021 and 10.03.2021 for review the order of suspension. Since no order has been passed, the present writ petition is filed.

6.Though the petitioner prays for the larger relief, this Court, taking into consideration the above facts and circumstances of the case, and without going into the merits of the claim projected by the petitioner, either in his representations or in this writ petition, in the light of the dictum laid down by the Hon'ble Apex Court in the Judgment in **Ajay Kumar Choudhary vs. Union of India**, reported in **2015(7)SCC 291**, directs the first respondent to consider the representation of the petitioner, dated 10.03.2021, and pass appropriate orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order .

7.This writ petition stands disposed of accordingly. No costs. Consequently, the connected Miscellaneous Petition are closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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Note: (i) In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

- 1.The Commissioner,  
The Corporation of Madurai,  
Municipal Administration Department,  
Madurai.
- 2.The District Collector/Special Officer  
of Madurai Corporation,  
Madurai,  
Madurai District.

+1 CC to M/s.R.MURALI, Advocate ( SR-18897[F] dated 07/06/2021 )

W.P (MD)No.9750 of 2021

**04.06.2021**

CN(21.06.2021) 3P 4C