



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **06.01.2021**

CORAM:

THE HONOURABLE MR.JUSTICE **M.M.SUNDRESH**

AND

THE HONOURABLE MRS.JUSTICE **S.ANANTHI**

W.A. (MD)No.1247 of 2020

and

C.M.P. (MD)No.7080 of 2020

1. The Director of Local Fund Audit,
Nandhanam,
Chennai - 600 035.
2. The Deputy Director of Local Fund Audit,
Nandhanam, Chennai - 600 035.
3. The Regional Joint Director,
Department of Local Fund Audit,
Chinna Chokkikulam, Madurai.
4. The Assistant Director,
Department of Local Fund Audit,
Sivagangai.

... Appellants

Vs.

P.Marimuthu

... Respondent

Writ Appeal filed under Clause XV of Letters Patent Act,
against the order dated 26.11.2019 made in W.P.(MD)No.25026 of 2019.

Prayer in WP(MD). 25026/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Calling for the records pertaining to the suspension order made in RC.No.8718/O.Na.1/2019 dated 26.4.2019 on the file of the second respondent and consequential order made in Na.Ka.NO.8718/O.Na.1/2019 dated 6.11.2019 on the file of the first respondent and quash the same and directing the respondents to reinstate the petitioner in his services.

For Appellants : Mrs.J.Padmavathi Devi
Special Government Pleader

For Respondent : Mr.V.Kannan



JUDGMENT

[Judgment of the Court was delivered by **M.M.SUNDRESH, J.**]

This appeal has been filed by the borrower against the order of the learned Single Judge, who, upon hearing the parties, was pleased to set aside the order of suspension, dated 26.04.2019 and consequential order, dated 06.11.2019, by which, the request of reviewing the suspension order was rejected.

2. The learned Special Government Pleader submitted that it is a case, where a charge sheet has been filed and therefore, the learned Single Judge is not correct in giving a different factual finding. The appellants were not given sufficient time to file a counter affidavit.

3. The learned counsel for the respondent/borrower submitted that the major offence in the case registered is under Section 506 (ii) IPC and a complaint was given against the respondent by his wife and son. The learned Single Judge took into consideration the above and found that the failure of reviewing the suspension order cannot be sustained.

4. We do not find any error in the order passed by the learned Single Judge. It is true that the suspension cannot be termed as punishment. However, in the case on hand, the respondent made a request for reviewing the order of suspension.

5. Admittedly, there was a family dispute between the respondent and his family members, namely, wife and son and they have given a complaint against the respondent. Considering the triviality of the complaint given, coupled with the incidental factors, the learned Single Judge has rightly allowed the writ petition. Therefore, the order of the learned Single Judge does not warrant any interference.

6. In view of the above, the Writ Appeal is dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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Note: 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:

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+1 CC to SGP (SR-454[F] dated 07/01/2021)

W.A. (MD)No.1247 of 2020

06.01.2021

KUN (CO)

NR (22/01/2020) 3P : 6C