



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:15.12.2021

WEB COPY

CORAM:

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P. (MD) .No.13937 of 2018

and

W.M.P. (MD) .No.12668 of 2018

T.Kannan

... Petitioner

vs.

1.The District Collector,
Kanyakumari District,
Nagercoil.

2.The Executive Officer,
Neiyur Town Panchayat II,
Kanyakumari District

... Respondents

PRAYER: Writ Petitions is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings in Na.Ka.No.1747-2/2017/U4, dated .03.2017 signed on 23.03.2017 on the file of the first respondent herein and quash the same consequently directing the respondents to reinstate the petitioner along with all attended benefits.

For Petitioner	: Mr.S.Sureshkumar
For R1	: Mr.V.OM Prakash
	Government Advocate
For R2	: No appearance

O R D E R

The impugned order of suspension dated 23.03.2017 is based on a charge proposed in terms of Section 17 (b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, 1955. A copy of the charge memo dated 06.05.2019 is placed on record by Mr.V.OM Prakash, learned Government Advocate appearing for the respondents.

2.Upon receipt of charge memo, the petitioner appears to have sought, vide letter dated 21.05.2019, a stay of the departmental proceedings till conclusion of the criminal trial presently on going in Spl.S.C.No.1 of 2018 on the file of the Chief Judicial Magistrate, Nagercoil.



3.The application for stay appears to indicate that the facts in regard to the criminal case as well as the disciplinary proceedings are one and the same.

4.Without expressing any opinion whatsoever on either the veracity or otherwise of the charges that are pending trial before the criminal Court as well as the charge memo issued by the disciplinary authority, it would suffice that a direction is issued to the criminal Court to complete the trial and to conclude the proceedings within a period of six months from today.

5.As regards the disciplinary enquiry, I leave to the Directorate of Town Panchayat to decide whether the proceedings should await the conclusion of the criminal trial or otherwise. The normal and settled position is that disciplinary proceedings are separate and distinct from criminal proceedings and one need not await the conclusion of the other.

6.This is of course subject to a situation where there is identity between the case witnesses and other details of the criminal trial, with the disciplinary proceedings. In the circumstances as noted aforesaid, the impugned order of suspension is not interfered with and shall continue till appropriate orders are passed by the authorities.

7.This Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

akv

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
WEB COPY

1. The Chief Judicial Magistrate, Nagercoil.
2. The District Collector,
Kanyakumari District,
Nagercoil.
3. The Executive Officer,
Neiyur Town Panchayat II,
Kanyakumari District.

+1 CC to M/s.SPL GP (SR-39026[F] dated 16/12/2021)

ORDER MADE IN
W.P. (MD) .No.13937 of 2018
15.12.2021

nsn(CO)
TR(01.02.2022) 3P 5C