



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.21934 of 2021

and W.M.P. (MD)No.18503 of 2021

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Thavaneethi

... Petitioner

versus

1. The State of Tamil Nadu,
Rep. by the Secretary,
Highways and Minor Ports Department,
Fort St. George,
Chennai - 9.
2. The Director General,
Highways Department,
Guindy, Chennai.
3. The Director,
Highways Research Station,
Highways Department,
Guindy, Chennai.
4. The Joint Director,
Highways Research Station,
Highways Department,
Guindy, Chennai.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorarified Mandamus, to call for the records on the file of the 4th respondent's impugned suspension order vide Se.Mu.Ka.No.45/2021/Confidential/Ka.Kaa dated 06.07.2021 and quash the same as illegal as devoid of merits and direct the respondents to revoke the order of suspension and reinstate the petitioner into service.

For Petitioner : Mr.Raja Karthikeyan

For Respondents : Mr.S.Shaji Bino,
Special Government Pleader



ORDER

This writ petition is filed as against the order of suspension dated 06.07.2021 on the ground that enquiry has not been completed within three months.

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2. The petitioner was working as Assistant Engineer, Quality Control, Sivagangai Sub Division, Sivagangai. While so, he was placed under suspension vide order dated 06.07.2021 on the allegations that there were defects in the quality of road work. Subsequently, a charge memo was also issued on 15.09.2021, for which, the petitioner also submitted his explanation to the charge memo on 21.10.2021.

3. The learned counsel appearing for the petitioner submits that though the suspension order was passed on 06.07.2021, after the lapse of three months, the respondents neither proceeded with the enquiry nor passed any order for extension of suspension order, as per the dictum laid down by the Hon'ble Apex Court in **Ajay Kumar Choudhary vs. Union of India**, reported in **2015 7 SCC 291**. Therefore, the petitioner is before this Court.

4. The fact remains that the petitioner was placed under suspension on 06.07.2021 and issued with a charge memo on 15.09.2021. But, the order of suspension has been challenged after five months. Since the petitioner has already submitted his explanation to the charge memo dated 15.09.2021, this Court, without expressing anything on merits, directs the respondents to conclude the enquiry within a period of three months, from the date of receipt of a copy of this order. If the enquiry is not concluded within three months, then, the order of suspension 06.07.2021 would automatically stand set aside and the petitioner shall be posted in a proper place.

5. It is needless to mention that the petitioner is also expected to cooperate with the enquiry to conclude the same within three months.

6. The learned counsel for the petitioner has also submitted that the petitioner alone is made as scapegoat for the mischief, but, all other officers are also responsible for the same. By referring the same, the petitioner has also made a representation to the third respondent on 08.11.2021. However, the respondents, without considering the same, fixed the petitioner alone as responsible for the mischief.

7. If any representation is received by concerned authority with certain allegations on execution of the road work, it is the duty of the concerned authority to look into the same separately and independently, without prejudice to the charges pending against the



petitioner and if any materials are available in that representation, take necessary action against the responsible persons in accordance with law.

8. Accordingly, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

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/ /2021

Sub Assistant Registrar (CS)

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To

1. The Secretary,
Highways and Minor Ports Department,
Fort St. George,
Chennai - 9.

2. The Director General,
Highways Department,
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3. The Director,
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Highways Department,
Guindy, Chennai.

4. The Joint Director,
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Highways Department,
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+1 CC to M/s.SPL GP (SR-38361[F] dated 13/12/2021)

W.P (MD) No.21934 of 2021
10.12.2021

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