



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2022

Coram

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
AND
THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.No.2460 of 2022

Gaurab Das

...Petitioner

..Vs..

1. Union of India
Rep.by the Secretary to Government
(Health), Puducherry.
2. The Senior Public Analyst,
Department of Food and Drugs
Testing, Gorimedu, Puducherry.

.. Respondents

Prayer:- This Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the Central Administrative Tribunal, Madras Bench, Chennai to take up O.A.No.1028 of 2021 filed by the petitioner along with the request for interim stay and dispose of the same at an earlier date.

For Petitioner : Mr.M.Gnanasekar

ORDER

S.VAIDYANATHAN, J.
&
MOHAMMED SHAFFIQ, J.

The writ petition has been filed, seeking a direction to the Central Administrative Tribunal, Madras Bench, Chennai to take up O.A.No.1028 of 2021 filed by the petitioner along with the request for interim stay and dispose of the same at an earlier date.



2. The case of the petitioner is that he was appointed as Junior Scientific Officer in the Public Health Laboratory, Puducherry on 19.10.2000 and was placed on probation for a period of two years with effect from 19.10.2000. On 02.08.2021 the petitioner had health issues and requested the second respondent to treat 2nd August 2021 as Medical Leave for five days and necessary Medical Leave and Fitness Certificate would be submitted at the time of joining the duty. On 03.08.2021 the second respondent passed an order of suspension to the petitioner. Thereafter petitioner gave a representation dated 04.08.2021 to the Senior Public Analyst, Department of Food and Drugs Testing for revocation of suspension order and that he informed the same to the second respondent. The second respondent did not consider his genuine request but simply issued suspension order on 03.08.2021. Thereafter, the petitioner submitted a letter dated 05.08.2021 to the second respondent enclosing Medical Certificate and fitness for 5 days commuted leave. But the second respondent simply returned with an endorsement that "suspension order has been served to the individual on 04.08.2021". Hence, the leave letter may be returned to the individual. Further it is averred that on 30.09.2021 an order of suspension was issued to the petitioner by the second respondent vide letter dated 29.09.2021 at 10:00 a.m. that the petitioner had entered the office in an inebriated state and gave leave letter for one day (casual leave) on 29.09.2021 and thereafter he started quarreling with the Senior Public Analyst and the Bio Chemist using filthy words and tried to assault R.Ilanthirayan. During the month of November 2021 the petitioner filed O.A.No.1038 of 2021 seeking to quash the suspension order dated 30.09.2021 issued by the first respondent and all further proceedings emanating from it and to direct the respondent to disburse the salary from 01.10.2021 to till date (or) subsistence allowance would be disbursed in accordance with the relevant rules forthwith.

3. According to Mr.M.Gnanasekar, learned counsel for the petitioner, the petitioner is a Junior Scientific Officer in the Public Health Laboratory, Puducherry and was placed under suspension. Since his subsistence allowance has not been paid he approached the Tribunal with a request that the suspension order should be stayed.

4. In this petition, the petitioner has indirectly sought for payment of subsistence allowance in the guise of seeking a relief of speedy disposal of O.A.No.1038 of 2021 together with interim stay application at the earliest point of time, which cannot be accepted as we are not inclined to pressurize the



Central Administrative Tribunal, Madras Bench, Chennai to take up this case particularly, leaving all other cases to stand halted.

5. It is made clear that we have not expressed any opinion on the order of suspension dated 30.09.2021, which is the subject matter of O.A.No.1038 of 2021 pending before the Central Administrative Tribunal, Madras Bench, Chennai, as it is for the CAT to take a decision on basis of the materials/evidence available before it. At the same time, there is no impediment for the petitioner to seek for payment of subsistence allowance before the Tribunal and if any such petition is filed to that effect, the Tribunal is expected to take up the matter and decide the same as expeditiously as possible, but not later than two months after affording an opportunity of personal hearing to all the parties concerned.

6. With the above observation and direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

Sub Assistant Registrar

dpq

To

1.The Secretary to Government
Union of India
(Health), Puducherry.

2. The Senior Public Analyst,
Department of Food and Drugs
Testing, Gorimedu, Puducherry.

3.The Central Administrative Tribunal,
Madras Bench, Chennai.

+1cc to Mr.M.Gnanasekar, Advocate SR.No.9636
+1cc to the Government Pleader, SR.No.10007

W.A.No.2460 of 2022

KG(CO)
CB(08/03/2022)