



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2022

CORAM :

THE HON'BLE MR. JUSTICE D. KRISHNAKUMAR

W.P.No.3820 of 2022

and

W.M.P.Nos.3953, 3954 & 3957 of 2022

G.P.Madhankumar

...Petitioner

Vs.

The Transport Commissioner,
Chepauk, Chennai-5.

...Respondent

PRAYER:

The Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records of the respondent in connection with the impugned order passed by him in Proc.R.No.36967/VB3/2021 dated 17.11.2021 and quash the same and direct the respondent to reinstate the petitioner into service and grant him all consequential service and monetary benefits.

For Petitioner :Mr.K.Venkataramani (Senior Counsel)
For Mr.M.Muthuppan

For Respondent : Mr.V.Jeevagiridharan
Additional Government Pleader

O R D E R

This writ petition has been filed to call for the records relating to the impugned order passed by the respondent in Proc.R.No.36967/VB3/2021 dated 17.11.2021 and to quash the same and also to direct the respondent to reinstate the petitioner into service and grant him all consequential service and monetary benefits.

2.The facts of the case is that the petitioner was directly recruited as a Junior Assistant on compassionate appointment in the office of the Regional Transport Office, Tiruppur and joined



in the service on 11.02.2008, subsequently, he was promoted as Assistant and further promoted as Superintendent on 06.03.2020. Whiles, on 14.11.2021, a criminal case has been registered against him in Crime No.545 of 2021, for the offences under Sections 154 of Cr.P.C. & 306 of IPC, on the ground that the petitioner is responsible for abetting the death of one Vidya, who committed suicide alleging that the petitioner under the pretext of marrying her and thereafter refused to marry her. Therefore, the said Vidya was consumed poison and died when she was taking to the hospital. Due to which, the petitioner was arrested and remanded to judicial custody on the same day and thereafter, he was released on bail on 01.12.2021. When he was in judicial custody, on 17.11.2021, the respondent has issued the impugned order of suspension, based on the letter of RTO, Tiruppur, dated 15.11.2021 stating that "the petitioner has involved in a criminal case and detained in custody for more than 48 hours and hence, he is suspended from service". Thereafter, on 08.01.2022 & 20.01.2022, the petitioner had made representations before the respondent requesting to quash the order of suspension and the same was not considered by the respondent. Hence, the writ petition.

3.The learned counsel appearing for the petitioner would submit that while the petitioner was working as a Superintendent in the Office of the Regional Transport Office at Tiruppur, a false case has been foisted against him in Crime No.545 of 2021, for the offence under Sections 154 of Cr.P.C and 306 of IPC, he was arrested and released on bail. Further, he would submit that the investigation is pending and that the petitioner is under prolonged suspension without any review and that the charge sheet has to be filed within a period of three months and the same has not been filed. Seeking to review the order of suspension, the petitioner has made a representation to the respondent and the same is still pending.

4.The learned Additional Government Pleader appearing for the respondent submitted that the said representation made by the petitioner will be duly considered by the respondent and the respondent will pass appropriate orders in accordance with law.

5.Taking into consideration the above facts and circumstances of the case, without expressing any opinion on merits, this Court is inclined to direct the respondent to consider the petitioner's representations dated 08.01.2022 & 20.01.2022 and pass appropriate orders as expeditiously as possible preferably within a period of eight weeks from the date of receipt of a copy of this order.



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6. With the above direction, this writ petition stands disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

ssi/dua

To:

The Transport Commissioner,
Chepauk, Chennai-5.

+1cc to Mr.Muthappan, Advocate, S.R.No.12390

+1cc to the Government Pleader, S.R.No.12793

W.P.No.3820 of 2022

MG(CO)
CB(02/03/2022)