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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2022

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THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P.No.39774 of 2015
and M.P.No.2 of 2015
and W.M.P.No.8033 of 2016

C.Kuppusamy

...Petitioner

Vs

The Engineer-in-Chief WRD &
Chief Engineer (General), PWD,
Chepakkam, Chennai-600 005.

...Respondent

PRAYER: Writ Petition filed under Article 226 of Constitution of India praying to issue a Writ of Certiorarified Mandamus or any other writ or order or direction in the nature of writ, call for the records relevant to the suspension order passed by the respondent in his Proceedings No.CII(2)/1048/2014-12 dated 14-05-2015 and the review order passed by the respondent in his Proceedings No.CII(2)/1048/2014-14 dated 24-11-2015 and quash the same as illegal, improper, unreasonable, arbitrary and against the natural justice and thereby direct the respondent to reinstate the petitioner into his service with all back wages with effect from 14-05-2015.

For Petitioner : Mr.C.D.Johnson

For Respondent : Mr.C.Selvaraj
Additional Government Pleader

ORDER

In view of the petitioner's alleged involvement in a criminal case in SPL.SC.No.20/2015, pending before the Special Judge, Mylapore, Cuddalore, he was placed under suspension on 24.11.2015, through the impugned order. The criminal proceedings came to be quashed by this Court through an order dated 22.11.2018 passed in CrI.O.P.No.24167 of 2018. In spite of the same, the suspension order was not revoked, which prompted the petitioner to file the present Writ Petition.

2. The only reason assigned in the impugned order of suspension is the petitioner's involvement in the criminal case in SPL.SC.No.20/2015. While that being so, the suspension order



cannot now be continued, in view of the quashing of the criminal proceedings itself by this Court. As such, there is no justification on behalf of the respondent to keep the petitioner still under suspension.

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3. The learned Government Advocate would submit that the petitioner was involved in another criminal case in CC.No.5565 of 2015, which is still pending and therefore the suspension order need not be revoked. Such a stand cannot be sustained for the simple reason that the present impugned order does not place the petitioner under suspension for his involvement in CC.No.5565 of 2015. Incidentally, this second criminal case relied upon by the learned Government Advocate relates to a different cause of action. Even otherwise, since no further action was taken for the petitioner's alleged involvement in CC.No.5565 of 2015 and also since the only criminal case pointed out in the impugned suspension order was already quashed by this Court, the suspension order is liable to be revoked.

4. At this juncture, the learned Counsel for the petitioner would submit that the employee had reached the age of superannuation on 28.02.2020. In light of the above findings, the petitioner would therefore be entitled to all the retirement and pensionary benefits and the period of suspension is liable to be treated as period spent "On duty" for all purposes as provided under Rule 54.

5. For all the forgoing reasons, the impugned order passed by the respondent in his Proceedings No.CII(2)/1048/2014-12 dated 14-05-2015 and the review order passed by the respondent in his Proceedings No.CII(2)/1048/2014-14 dated 24-11-2015 are quashed. Consequently, there shall be a direction to the respondent herein to treat the petitioner's period of suspension as "duty period" for all purposes and thereby disperse all the retirement benefits due to the petitioner, including the pensionary benefits. The respondent shall endeavour to disburse the monetary benefits, atleast within a period of four (04) weeks from the date of receipt of a copy of this order.

6. This Writ Petition stands allowed, accordingly. Consequently, the connected miscellaneous petitions are closed. No costs.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

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To

The Engineer-in-Chief WRD &
Chief Engineer (General), PWD,
Chepaklam, Chennai-600 005.

+1cc to M/s.C.D.Johnson, Advocate, S.R.No.1931

+1cc to the Government Pleader, S.R.No.2257

W.P.No.39774 of 2015

BP (CO)
SB (14/02/2022)