



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.04.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No. 12856 of 2021
and WMP.Nos. 13657 & 13658 of 2021 & 18590 of 2021

K. Loganathan

..Petitioner

Vs.

The Commissioner
Food Safety & Drug Administration Dept.,
359, 5th Floor, DMS Compound,
Anna Salai, Chennai-6.

.. Respondent

Prayer: Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records of the respondent in connection with the impugned orders passed by him in Proc.R No.5932 /2020 / S1 / FSD dated 24/09/2020 and R.No.5932 / S1 / FSD dated 10/05/2021 and quash the same and direct the respondents to reinstate the petitioner in to service and grant him all consequential service and monetary benefits and grant such other further relief.

For Petitioner : Mr.M.Vignesh Raj

For Respondents : Mr.Haja Nazirudeen, AAG
Assisted by Mrs. S.Anitha, Spl.GP

ORDER

The relief sought for in the writ petition is to call for the records of the respondent in connection with the impugned orders passed by him in Proc.R No.5932 /2020 / S1 / FSD dated 24/09/2020 and R.No.5932 / S1 / FSD dated 10/05/2021 and quash the same and direct the respondents to reinstate the petitioner in to service and grant him all consequential service and monetary benefits and grant such other further relief.

2. The case of the petitioner is that he was service as Food Safety Officer, Ambattur Municipality. The petitioner had inspected the Departmental Store run by one Senthil Murugan for issuing licence based on the application submitted by the said Senthil Murugan. Due to certain deficiencies, the petitioner



informed the said individual to rectify the deficiencies. The petitioner did not demand any illegal gratification for recommending or issuing the licence. While that being so, on 19.09.2020, V & AC officials arrested the petitioner for demanding and accepting illegal gratification and registered a Criminal Case in Crime No. 8/2020 on the file of Inspector of Police, Special Investigation Cell, V & AC Department, Chennai and was arrested based on the complaint preferred by one Mohan. Based on the said complaint, the petitioner was suspended from service by proceedings of the respondent dated 24.09.2020. The petitioner has made representation dated 29.10.2020 to the respondents for reinstatement into service, but the respondents without considering the case of the petitioner, had rejected the requested by impugned proceedings dated 10.05.2021. Challenging the same, the present writ petition is filed.

3. The learned counsel for the petitioner has submitted that the respondent has not framed any charges till date no charge memo has been issued, therefore in the light of the decision rendered by the Hon'ble Supreme Court in the case of Ajay Kumar Choudhary Vs. Union of India and others reported in 2015 (7) SCC291, the order of suspension should be reviewed and the petitioner should be reinstated into service.

4. On the other hand, the learned Additional Advocate General appearing for the respondent has submitted that based on the complaint and subsequent to the suspension of the petitioner, the respondent had framed charges on the petitioners petitioner and issued charge memo in R.No. 5932/2020/S1/FSD, dated 25.02.2022 and the same is pending. The learned Additional Advocate General appearing for the respondent has also produced a copy of the the said Memo dated 25.02.2022 before this Court.

5. Heard both sides and perused the materials available on record.

6. In view of the submissions made by the learned Additional Advocate General appearing for the respondent that the charges are framed and the same is pending, the aforesaid decision of the Hon'ble Supreme Court (Ajay Kumar Choudhary's case) relied upon by the learned counsel for the petitioner is not applicable to the facts of the present case.

7. Considering the facts and circumstances of the case and in the light of the submissions made by the learned Additional Advocate General, this Court is not inclined to consider the request made by the petitioner for revocation of suspension. However, this Court is of the view that it would be appropriate to direct the respondent to conclude the disciplinary



proceedings pending against the petitioner. Accordingly, the respondent is directed to conclude the disciplinary proceedings pending against the petitioner at the earliest.

8. With the above directions, the writ petition stands disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar (CS-IX)

//True copy//

Sub Assistant Registrar

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To

The Commissioner
Food Safety & Drug Administration Dept.,
359, 5th Floor, DMS Compound,
Anna Salai, Chennai-6.

+1cc to Mr.M.Muthappan, Advocate SR.No.28054

+1cc to Government Pleader SR.No.27977

W.P.No. 12856 of 2021
and
WMP.Nos. 13657 & 13658 of 2021 & 18590 of 2021

SSD(CO)
GMY(31/05/2022)