



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 13.04.2022
CORAM:

WEB COPY

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.17313 of 2020
and
W.M.P.No.21416 of 2020

A.George Antony Baburaj

...Petitioner

vs.

1. The Principal Secretary,
Public Works Department,
Secretariat,
Fort St.George,
Chennai - 600 009.

2. The Chief Engineer (General) and Engineer in Chief,
Public Works Department,
Chepauk,
Chennai - 600 005.

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the proceedings vide Letter No.2350/E1/2020-3 dated 12.08.2020 on the file of the 1st respondent and quash the same as illegal, incompetent and ultravirus and consequently direct the 1st respondent to revoke the order of suspension dated 23.07.2019.

For Petitioner : Mr.R.Jayaprakash

For Respondents: Mr.Haja Nazirudeen

Additional Advocate General

Assisted by Mrs.S.Anitha

Special Government Pleader

O R D E R

This writ petition has been filed seeking to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the proceedings vide Letter No.2350/E1/2020-3 dated 12.08.2020 on the file of the 1st respondent and quash the same as illegal, incompetent and ultra virus and consequently, to direct the 1st respondent to revoke the order of suspension dated 23.07.2019.



2. According to the petitioner, the petitioner was placed under suspension by the 2nd respondent by the Proceedings No.CII(3)/11163/2012-22, dated 23.07.2019. Thereafter, the petitioner made a representation dated 22.08.2019 to the respondents for revocation of the impugned suspension order. According to the petitioner, the 1st respondent has passed the impugned order in Letter No.2350/E1/2020-3, dated 12.08.2020 stating that the petitioner was placed under suspension and not allowed to retire from service on 31.07.2019. Hence, he filed the instant writ petition before this Court for the aforesaid prayer.

3. The learned Additional Advocate General appearing for the respondents would submit that the request of the petitioner was already considered by the 1st respondent by the impugned order dated 12.08.2020 and rejected his claim. He would further submit that the aforesaid suspension order has been passed for the criminal case has been registered against the petitioner in Crime No.1/2015 dated 08.01.2015 for the offences under Sections 420, 409, 465, 471 and 120(B) of IPC and Section 13 (2) r/w 13 (1) (c) of the Prevention of Corruption Act, 1988 on the file of the Deputy Superintendent Police, Vigilance and Anti-Corruption, Nagapattinam. If the petitioner was placed under suspension, he was not permitted to retire from service and if the said order is revoked, the disciplinary proceedings cannot be initiated by the respondents/department. But so far, no disciplinary proceedings has been initiated as against the petitioner.

4. In view of the above submissions made the parties, this Court is not inclined to interfere with the said impugned order. However, the liberty is given to the petitioner to seek revocation of the impugned suspension order after disposal of the aforesaid criminal case.

5. With the above observation, the writ petition stands dismissed. Consequently, the connected miscellaneous petition is closed. No costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar



To

1. The Principal Secretary,
Public Works Department,
Secretariat,
Fort St.George,
Chennai - 600 009.

2. The Chief Engineer (General) and Engineer in Chief,
Public Works Department,
Chepauk,
Chennai - 600 005.

+1 CC to Mr.R.Jayaprakash, Advocate sr 26040.
+1 CC to The Government Pleader sr 25955.

W.P.No.17313 of 2020

SSN(CO)
SP(04/05/2022)