



WEB COPY



W.A.No.2291 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.10.2022

Coram

The Hon'ble Mr. Justice **PARESH UPADHYAY**
and
The Hon'ble Mr. Justice **D.BHARATHA CHAKRAVARTHY**

W.A.No.2291 of 2022
and C.M.P.No.17474 of 2022

1.The State of Tamil Nadu,
Rep., by its Principal Secretary to Government,
Revenue & Disaster Management Department,
Secretariat, Fort St. George,
Chennai-600 009.

2.The Commissioner of Revenue Administration,
Chepauk, Chennai-600 005.

3.The District Collector,
Krishnagiri District,
Krishnagiri.

.. Appellants

Vs.

K.Baskar

.. Respondent

Appeal preferred under Clause XV of Letters Patent against the
order dated 19.12.2019 in W.P.No.32583 of 2017.

For Appellants : Mr.S.Silambanan,
Additional Advocate General
assisted by
Mrs.Geetha Thamaraiselvam,
Special Government Pleader



W.A.No.2291 of 2022

For respondent : Mr.R.Singaravelu, Senior Counsel
for Mr.M.Marudhachalam

JUDGMENT

(Delivered by **PARESH UPADHYAY, J.**)

1. Challenge in this appeal is made to the order dated 19.12.2019 recorded on W.P.No.32583 of 2017. This appeal is by the State Authorities - respondents in writ petition.

2. The writ petitioner had challenged the suspension dated 28.11.2017 pending departmental enquiry. Learned single Judge, by an order dated 19.12.2019 while setting aside the suspension order, has permitted the State to give posting to the writ petitioner on any non-sensitive post. The State is aggrieved by this.

3. Learned Additional Advocate General for the State Authorities has submitted that, the charge against the writ petitioner is so grave that, even the reinstatement on non-sensitive post ought not to have been ordered by learned Single Judge. He has also attempted to take this Court through the pleadings on record. On being asked, what is the date of the Enquiry Officer's



W.A.No.2291 of 2022

Final Report, it is replied that, it is 30.05.2018. On further being asked, on which date the said report was made available to the writ petitioner, he has tried to ascertain from the officers present in the Court but even after reasonable time, he is not in a position to reply to this. When it is the case of the Government itself that, the enquiry was completed and Report was drawn as back as on 30.05.2018 and impugned order of the learned single Judge is also dated 19.12.2019, we find that any interference in the order of learned Single Judge will only add to the arbitrariness on the part of the State to keep the matter pending. At this stage, we also take note of the policy of the State as contained in G.O.No.81 dated 04.08.2022 wherein it is resolved that, the suspension should not be continued for long. In totality, we find no interference is required in the impugned order.

4. This appeal is dismissed. No costs. Connected civil miscellaneous petition would not survive.

(P.U.,J.) (D.B.C.,J.)
13.10.2022

Index:No
raa/10



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W.A.No.2291 of 2022

**PARESH UPADHYAY, J.
and
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raa

W.A.No.2291 of 2022

13.10.2022