



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.03.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.Nos.25389 and 25392 of 2021
and
WMP.Nos.26812 &26813 of 2021

T.S.Vasudevan .. Petitioner in W.P.No.25389 of 2021
V.Krishnamurthy .. Petitioner in W.P.No.25392 of 2021
vs.

The Dean,
Government Stanley Hospital,
Chennai-600 001.

.. Respondent in both W.Ps.

Common 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 pertaining to the impugned proceedings in Ref.No.006875/E2/2/2021-1 dated 04.06.2021 on the file of the respondent and quash the same and direct the respondent herein to reinstate the petitioner into service with all consequential service benefits including arrears, salary and allowances applicable to the petitioner.

For Petitioners : Mr.S.Nagarajan

For Respondent : Mr.A.M.Ayyadurai,
Government Advocate

COMMON ORDER

The petitioners, challenging the impugned order of suspension dated 04.06.2021 passed by the respondent, has filed the present writ petitions.

2. The case of the petitioners is that on a private complaint given by one T.Veerasekaran, who was a retired employee of Stanley Hospital, criminal case was registered against the petitioners under Section 138 of the Negotiable Instruments Ac, which culminated into STC Nos.2391and 2392 of 2016 on the file of the Judicial Magistrate Court at Tiruvottiyur. The Trial Court convicted the petitioners and



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sentenced them to undergo 6 months imprisonment and also awarded compensation of Rs.21/- Lakhs and Rs.24/- lakhs respectively, in default to undergo one month imprisonment. Challenging the conviction and sentence, the petitioner preferred Criminal Appeals before the District and Principal Sessions Court, Tiruvallur in C.A.Nos.64 and 65 of 2021 and the said criminal appeals were admitted on 04.10.2021 and the sentence was suspended on condition that the petitioners to deposit 20% of the cheque amount within one month. In compliance of the conditional order passed by the lower Appellate Court, the petitioners deposited Rs.4,20,000/- and Rs.4,80,000/- being 20% of the complainant's claim amount on 20.10.2021 and 08.11.2021 before the Judicial Magistrate Court, Tiruvottiyur. Based on the judgment of conviction and sentence, the petitioners were placed under suspension vide order dated 04.06.2021.

3. Thereafter, the respondents conducted disciplinary proceedings and issued a show cause notice dated 23.07.2021 under Rule 17(c)(i)(1) of the Tamil Nadu Civil Services (Discipline & Appeal) Rules, calling for explanation for the proposal to impose the major penalty of removal from service, for which the petitioners have submitted their explanation dated 06.08.2021. Subsequently, on 30.08.2021, the respondent issued a Charge Memo under Rule 17(b) of the Tamil Nadu Civil Services (Discipline & Appeal) Rules, for which the petitioners submitted detailed explanation dated 20.09.2021 specifically denying the charges. Challenging the impugned order of suspension dated 04.06.2021, the petitioners have filed the present writ petitions.

4. The respondent has filed a detailed counter affidavit, wherein it has been stated that pursuant to the issuance of charge memo, an Enquiry Officer was appointed and he had concluded enquiry and submitted a report holding that charges are proved and final orders based on the enquiry report will be issued shortly. It is further stated in the counter affidavit that order of removal from service is ready and will be issued immediately.

5. Heard the learned counsel for the parties and perused the materials.

6. In view of the stand taken by the respondent in the counter affidavit that enquiry officer had concluded that the charges are proved against the petitioners and final orders based on the enquiry report will be issued shortly and that order of removal from service is ready to be served on the petitioners and it will be issued shortly, the Writ Petitions stand dismissed. It is made clear that the respondents shall pass final orders in the disciplinary proceedings at the



earliest. It is open to the petitioners to seek their remedy before the authorities concerned, depending upon the judgment to be passed by the lower Appellate Court in the pending criminal appeals. No costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Jvm

To

The Dean,
Government Stanley Hospital,
Chennai-600 001.

+1cc to the Special Government Pleader, S.R.No.21343

W.P.Nos.25389 and 25392 of 2021

SKM(CO)
SB(19/04/2022)