



WEB COPY



W.P.No.31291 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.11.2022

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.31291 of 2022
and W.M.P.Nos.30728 & 30729 of 2022

Dr.D. Gopi,
Registrar (FAC)
(Under Suspension)
The Periyar University,
Salem – 636 011.

.. Petitioner

Vs.

The Vice Chancellor,
Periyar University,
Palkalai Nagar,
Salem District.

.. Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Certiorarified Mandamus, calling for the entire records pertaining to the impugned order passed by the Vice Chancellor, Periyar University, Palkalai Nagar, Salem – 636 011, the respondent herein vide his proceedings in PU/R/Estt/R5/22F546209/2022 dated 26.07.2022 and quash them as illegal, arbitrary, unreasonable being violative of rules and principles of natural justice thereby direct the respondent herein to reinstate the petitioner into service with all consequential monetary and service benefits.



W.P.No.31291 of 2022

For Petitioner : Mr.J. Lakshmi Narayanan
for Mr.E. Kannadasan

For Respondent : Mr.Godson Swaminath,
Standing Counsel
for M/s.Issaac Chamber

ORDER

This Writ petition has been filed challenging the impugned suspension order dated 26.07.2022 issued to the petitioner by the respondent.

2. Heard the learned counsel for the petitioner. Mr.Godson Swaminath, learned standing counsel, accepts notice on behalf of the respondent. By consent of both the parties, this Writ Petition is taken up for final disposal at the admission stage itself.

3. The petitioner was the Registrar (Full Additional Charge) of the respondent/University. He has been suspended from service under the impugned order dated 26.07.2022. The petitioner has filed this Writ Petition on the ground that as per Rule 13 of the Conditions of Service of Recruitment of the Periyar University Act 1997 issued under Sections 44, 45, 46 of the Periyar University Act 1997, a suspension beyond a period of two months can



W.P.No.31291 of 2022

be extended only by the competent appellate authority, pending enquiry.

WEB COPY

4. Rule 13(1)(b)(2)(b) of the Conditions of Service of Recruitment of the Periyar University Act 1997 reads as follows:

“suspension for a period of two months that could be extended for another period of two months by the competent appellate authority pending enquiry which shall be treated as a substantive punishment for either the whole period or a part”

5. The petitioner also contends that as per Rule 13(2)(3), *the period of suspension should not normally exceed three months. Unless the period is extended beyond three months for specific reasons, over an order to be issued within the said three months, with the approval of the appellate authority, the suspension order shall be deemed to have been revoked.*

6. The learned counsel for the petitioner would submit that the procedure contemplated under Rule 13(1)(b)(2)(b) as well as Rule 13(2)(3) has not been followed, as no permission from the competent appellate authority has been obtained for extending the period of the petitioner's suspension. The petitioner was suspended from service on 26.07.2022 as per



W.P.No.31291 of 2022

the impugned suspension order and almost four months have lapsed since then. In such circumstances, the petitioner contends that the continuation of the suspension is arbitrary and illegal.

7. The learned standing counsel appearing for the respondent would however submit that inherent powers are vested with the respondent/University to continue the petitioner's suspension and the said powers are provided in Appendix – 8 of the Rules.

8. No prejudice will be caused to any of the parties, if the petitioner is allowed to give a representation to the respondent, requesting him to revoke his suspension pursuant to the impugned suspension order dated 26.07.2022 and on receipt of the said representation, a direction is issued to the respondent to consider the same on merits and in accordance with law, in the light of the Periyar University Act, Statutes, Regulations and Rules, within a time frame to be fixed by this Court.

9. For the foregoing reasons, the petitioner is directed to give a representation to the respondent/University, requesting for revocation of the



W.P.No.31291 of 2022

impugned suspension order dated 26.07.2022, within a period of three (3) days from the date of receipt of a copy of this order. On receipt of the said representation, the respondent shall pass final orders on merits and in accordance with law, in the light of the Periyar University Act, Statutes, Regulations and Rules and after giving due consideration to Rule 13(1)(b)(2)(b) as well as Rule 13(2)(3), which the petitioner in particular relies upon in this Writ Petition, within a period of four (4) weeks thereafter.

10. Accordingly, the Writ Petition stands disposed of. No costs.
Connected miscellaneous petitions are closed.

24.11.2022

Speaking/Non-speaking order
Index: Yes/No
Internet: Yes/No

Sni

To

The Vice Chancellor,
Periyar University,
Palkalai Nagar,
Salem District.



WEB COPY



W.P.No.31291 of 2022

ABDUL QUDDHOSE,J.

Sni

W.P.No.31291 of 2022

24.11.2022