



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.02.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD) No.2467 of 2022
and
W.M.P.(MD) No.2166 of 2022

A.Ponnalagan ... Petitioner

Vs.

1.The District Collector,
Pudukkottai,
Pudukkottai District.

2.The District Backward Classes and
Minority Welfare Officer,
Pudukkottai,
Pudukkottai District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order in Rc.No.M6/27644/2021 dated 29.11.2021 passed by the 2nd respondent and quash the same as illegal and consequently direct the respondent to reinstate the petitioner into the service with all other monitory benefits on the basis of the petitioner's representation dated 17.12.2021.

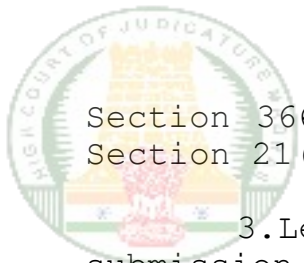
For Petitioner :Mr.G.Mathavan

For Respondents :Mr.A.K.Manikkam,
Special Government Pleader

O R D E R

The order of suspension, dated 29.11.2021, is under challenge in the present writ petition.

2.The petitioner was appointed as a Cook at Government Boys Hostel (Backward Classes), Keeramangalam, Pudukkottai District. He was promoted as a Warden and placed under suspension on the ground that a criminal case was registered against the petitioner by the All Women Police Station, Manaparai in Crime No.30/2021 under



Section 366 IPC, Section 3(a) read with Section 4 of POCSO Act and Section 21(1) of the POCSO Act, 2012.

3.Learned counsel appearing for the petitioner made a submission that the petitioner is innocent of allegations and he has not involved in any such criminal case. However, this Court cannot go into the merits of the case at this point of time, as the suspension is an initiation of disciplinary proceedings and such an initiation is done pursuant to the registration of a criminal case and therefore, the petitioner has to defend his case before the competent criminal court of law.

4.As far as the departmental disciplinary proceedings are concerned, suspension has been issued recently and therefore, this Court is not inclined to consider the revocation of suspension at this point of time. The authorities competent are bound to proceed with the departmental disciplinary proceedings. If evidences and documents are available with the Department, then the Department has to proceed with the disciplinary proceedings and conclude the same. However, if the Department is not in possession of evidences and other related documents for the purpose of completing the disciplinary proceedings, then the Department has to take a decision to keep the disciplinary proceedings in abeyance till the disposal of the criminal case. While taking such a decision to keep the disciplinary proceedings in abeyance, the order of suspension is to be reviewed by following the procedures as contemplated. These being the principles to be followed at this point of time, the petitioner is not entitled for the relief as such sought for in the present Writ Petition.

5.Accordingly, this Writ Petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (T&P)

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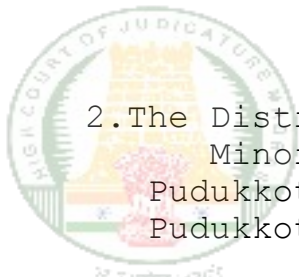
/ /2022

Sub Assistant Registrar(CS)

abr

To

1.The District Collector,
Pudukkottai,
Pudukkottai District.



2.The District Backward Classes and
Minority Welfare Officer,
Pudukkottai District,
Pudukkottai.

+1 CC to M/s.SPL GP (SR-4819[F] dated 08/02/2022)

W.P. (MD) No.2467 of 2022

07.02.2022

RK(16/02/2022) 3P 4C