



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.4767 of 2021

and W.M.P. (MD)Nos.3878 and 3879 of 2021

Pandeeswaran

... Petitioner

versus

1. The District Collector,
O/o. The District Collector,
Dindigul District.

2. The Tahsildar,
Nilakottai Taluk,
Dindigul District.

3. The Village Administrative Officer,
Nilakottai Taluk,
Dindigul District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorarified Mandamus, to call for the records relating to the proceedings of the second respondent in Roc.No.11804/2017/A2, dated 11.11.2017 and quash the same as unconstitutional and illegal and consequently direct the first respondent to reinstate the petitioner into service and to pay him all the wages and allowances due to him from 11.11.2017.

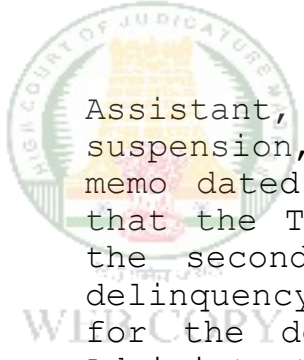
For Petitioner : M/s.A.Rajini

For Respondents : Mr.J.Ashok,
Additional Government Pleader

ORDER

This writ petition is filed against the order of suspension dated 11.11.2017 passed by the second respondent.

2. The learned counsel for the petitioner submits that the petitioner joined as a Village Assistant on 29.06.2016 and posted at Santhaiyur Village, Viruveedu Pirka, Nilakottai Taluk. Thereafter, he was transferred to Sevugampatti and joined at Sevugampatti on 28.06.2017. Subsequently, he was transferred to Nakkaluthu Village on 11.10.2017. While he was discharging his duty as Village



Assistant, on certain vague allegations, he was placed under suspension, vide order, dated 11.11.2017 and thereafter, a charge memo dated 02.03.2018 was also issued to him. She further submits that the Tahsildar and the Village Administrative Officer, namely, the second and third respondents are also responsible for the delinquency. However, the petitioner alone is made as a scapegoat for the delinquency committed by the Tahsildar and the Village Administrative Officer. She further submits that though the petitioner was placed under suspension in the month of November 2017, he was not paid subsistence allowance for the past four years and the departmental proceedings has not commenced so far.

3. Mr.J.Ashok, learned Additional Government Pleader appearing for the respondents submits that Rs.4,28,000/- was found in the petitioner's bank account and therefore, a criminal case has been registered against him under Section 420 IPC. During the period of suspension, the petitioner is also involved in a sand theft case and two other cases. Therefore, he was detained under Act 14 of 1982. He further submits that in this case, an Enquiry Officer was also appointed to proceed with the departmental proceedings.

4. This Court paid its anxious consideration to the rival submissions made.

5. The petitioner, who was working as Village Assistant, was placed under suspension in the month of November 2017 and a charge memo was issued in the month of March 2018. Though the Enquiry Officer was also appointed, the Departmental proceedings has not commenced so far and the petitioner is also kept under a prolonged suspension for the past four years.

6. It is the main grievance of the petitioner that he was not paid subsistence allowance for the past four years.

7. An employee, who was placed under suspension, during the period of suspension, is entitled to receive subsistence allowance.

8. Therefore, this Court, without expressing anything on merits, directs the first respondent to pay subsistence allowance to the petitioner within a period of four weeks from the date of receipt of a copy of this order. The first respondent is also directed to conclude the departmental proceedings within a period of six months from the date of receipt of a copy of this petitioner. The petitioner shall cooperate for the enquiry and also raise all the issues before the Enquiry Officer. The Enquiry Officer shall decide the issues to be raised by the petitioner independently. If the enquiry could not be completed within six months, the first respondent shall review the order of suspension and pass appropriate orders immediately thereafter.

<https://hcservices.courts.gov.in/hcservices/> On With the above directions, the writ petition is disposed



of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (W)

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/ /2022

Sub Assistant Registrar(CS)

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To

1. The District Collector,
O/o. The District Collector,
Dindigul District.

2.The Tahsildar,
Nilakottai Taluk,
Dindigul District.

+1 CC to M/s.SPL.GP (SR-1742[F] dated 19/01/2022)

W.P (MD) No.4767 of 2021
12.01.2022

RJ(CO)

KB(10.03.2022) 3P 4C