



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.03.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD) No.4236 of 2022

Vijayakumar

... Petitioner

Vs.

The District Collector,
Thanjavur District,
Thanjavur.

... Respondent

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondent to revoke the order of suspension of the petitioner dated 24.08.2021 and thereby reinstate the petitioner in service by considering the representation of the petitioner dated 19.01.2022 and 07.02.2022.

For Petitioner : Mr.K.Jeyamohan

For Respondent : Mr.D.Sadiq Raja
Additional Government Pleader

O R D E R

The order of suspension dated 24.08.2021 placing the petitioner under suspension on the ground that a criminal case was registered against the petitioner in Crime No.1143 of 2021 under Sections 294(b), 354(c), 506(i) of IPC r/w 4 of W/H Act 2002, r/w 67A, 66E, 66(A), (B), (C) of IT Act, 2000, is under challenge in the present Writ Petition.

2. The complaint was given by one Murugananthavalli, Steno Typist, DRDA, Thanjavur and the criminal case is under investigation.

3. It is made clear that pendency of a criminal case is not a bar for continuance of departmental disciplinary proceedings. If the records are available with the Disciplinary Authority or if the records can be collected from the other Authorities, who are in



possession of the documents and evidences, the Disciplinary Authority may collect those documents and proceed with the enquiry by following the procedures. The Courts have repeatedly held that mere pendency of a criminal case is not a bar for continuance of criminal proceedings and the criminal case will take long period. Keeping the employee under suspension for unreasonable period is also not desirable. Thus, the Disciplinary Authority has to take a decision in this regard and proceed accordingly.

4. In the present case, the order of suspension cannot be termed as prolonged. Thus, the respondents may collect all the documents and evidences for framing charges and proceeding with the enquiry and complete the same as expeditiously as possible by following the procedures as contemplated. However, this Court is not inclined to interfere with the order of suspension as the allegations against the petitioner are serious in nature and another Government employee submitted a complaint under the Women Harassment Act.

5. Thus, the Writ Petition stands dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

ssb

To

The District Collector,
Thanjavur District,
Thanjavur.

+1 CC to M/s.SPL GP (SR-11542[F] dated 11/03/2022)

+1 CC to M/s.K.JEYAMOHAN, Advocate (SR-11111[F] dated 10/03/2022)

ORDER MADE IN

W.P. (MD) No.4236 of 2022

10.03.2022

PKP/22.03.2022/2P/4C