



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:08.03.2022

CORAM:

THE HONOURABLE **MR. JUSTICE S.M.SUBRAMANIAM**

WEB COPY

W.P. (MD)No.10949 of 2021

and

W.M.P(MD)Nos.8589 and 8590 of 2021

Kaliyammal

... Petitioner

Vs.

1.The Special Officer and Commissioner,
Tiruchirappalli City Municipal Corporation,
Trichy City.

2.The Assistant Commissioner,
Ariyamangalam Zone,
Tiruchirappalli City Municipal Corporation,
Trichy.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the 1st respondent by his proceedings Na.Ka.No.337/2021/C7 (Maiyam) dated 13.01.2021 and quash the same as illegal consequently, directing the 1st respondent to disburse the terminal benefits payable to the Petitioner.

For Petitioner	: Mr.T.Lenin KUmar
For Respondent	: Mr.R.Baskaran
	Standing Counsel

ORDER

The order of suspension passed during the eve of retirement of the petitioner is under challenge in the present writ petition.

2.The petitioner was appointed as Scavenger by the first respondent in the erstwhile Tiruchirappalli Municipality now Corporation. Tiruchirappalli Municipality was upgraded as Tiruchirappalli City Municipal Corporation. The order of impugned was passed in proceedings dated 13.01.2021, placing the writ petitioner under suspension on initiation of departmental disciplinary proceedings. The allegation against the writ petitioner is that in violation of rules, she was appointed based on certain bogus educational certificates.



3.The learned counsel for the petitioner made a submission that the petitioner was appointed long back and the respondents have not initiated the action during the relevant point of time. Thus, the action initiated on the eve of retirement is to be set aside.

4.In respect of the educational certificate, the information and the knowledge of the authorities would be relevant for initiating the action. If at all the bogus certificates are produced and the appointments are secured, the actions could be taken only if the authorities received any complaint or information or the verification is done with reference to the genuinity of the certificates produced by the employee. However, all these facts and circumstances are to be enquired into by the competent authorities and this Court cannot conduct an enquiry in a writ proceedings under Article 226 of the Constitution of India. If at all the appointment is secured based on the bogus educational certificate, the authorities have to conduct an enquiry by affording an opportunity to the writ petitioner and conclude the same as expeditiously as possible. No doubt the petitioner was placed under suspension on the eve of retirement. However, the suspension on this circumstances cannot be avoided as in the event of allowing the petitioner to retire from service, no action can be taken. Thus, the suspension became warranted and the authorities invoked the power under rules and placed the writ petitioner under suspension.

5.The learned Standing Counsel appearing on behalf of the Corporation contended that the allegations are serious in nature and warranting enquiry and due to the local body election, there is a delay and the respondents will continue the proceedings as early as possible.

6.In view of the aforesaid statements, the respondents are directed to proceed with the departmental disciplinary proceedings by affording an opportunity and based on the records available and conclude the same as expeditiously as possible preferably within a period of four months from the date of receipt of a copy of this order. The writ petitioner is directed to co-operate for the early disposal of the departmental disciplinary proceedings. In the event of non-cooperation, the petitioner is not entitled to seek any relief on the ground of delay in disposal of the departmental disciplinary proceedings.

7.In view of the above, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Writs)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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<https://hcservices.ecourts.gov.in/hcservices/>



To

1.The Special Officer and Commissioner,
Tiruchirappalli City Municipal Corporation,
Trichy City.

2.The Assistant Commissioner,
Ariyamangalam Zone,
Tiruchirappalli City Municipal Corporation,
Trichy.

+1 CC to M/s.R.BASKARAN, Advocate (SR-10823[F] dated 09/03/2022)

W.P. (MD)No.10949 of 2021

and

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MGJ(18.03.2022) 3P 4C