



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.03.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.11110 of 2021

and

W.M.P. (MD) No. 8727 of 2021

K. Moorthy,

... Petitioner

Vs.

The Commissioner & Special Officer,
Thanjavur City Municipal Corporation,
Thanjavur District.

...Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus calling for the records relating to the impugned order of the respondent in R.O.C.No.5021/2021/MCE3 dated 20.04.2021 quash the same and consequently direct the respondent to regularize the period of suspension with all monetary and service benefits within a reasonable time.

For Petitioner : Mr.V.S.Kumaraguru

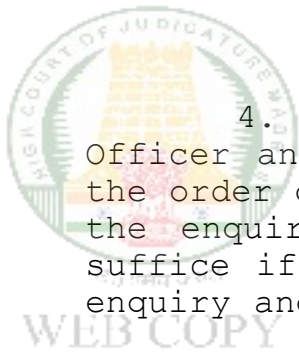
For Respondent : Mr.N.Dilipkumar

O R D E R

The order of suspension dated 20.04.2021 is under challenge in the present Writ Petition.

2. The petitioner was working as Wireman and on account of certain allegations, the petitioner was placed under suspension in proceedings dated 20.04.2021. The order of suspension reveals that an enquiry to grave allegation against the petitioner was contemplated. A charge memo has already been issued on 05.06.2021.

3. The learned counsel appearing for the respondent made a submission that the first enquiry was conducted and the petitioner has not appeared. However, the second enquiry notice has already been issued to the petitioner which is scheduled to be held on 08.03.2022.



4. Therefore, the petitioner has to appear before the Enquiry Officer and defend his case in the manner known to law. As far as the order of suspension impugned in this writ petition is concerned, the enquiry proceedings has been commenced and therefore, it is suffice if a direction is issued to the respondent to conclude the enquiry and pass final orders on merits and in accordance with law.

5. In view of the facts and circumstances, the following orders are passed:-

(i) the relief sought for in the present writ petition stands rejected.

(ii) the respondent is directed to proceed with the disciplinary enquiry and conclude the same within a period of four months from the date of receipt of a copy of this order.

(iii) the writ petitioner is directed to co-operate for the enquiry by defending his case. In the event of non-co-operation on the part of the writ petitioner, the same shall be recorded by the Competent Authorities in the proceedings itself. In such circumstances, the petitioner is not entitled to seek any relief on the ground of delay in disposal of the disciplinary proceedings.

6. With these directions, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

ssb

To

The Commissioner & Special Officer,
Thanjavur City Municipal Corporation,
Thanjavur District.

+1 CC to M/s.V.S.KUMARAGURU, Advocate (SR-10067[F] dated 04/03/2022)

+1 CC to M/s.N.DILIPKUMAR, Advocate (SR-10463[F] dated 07/03/2022)

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