



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.11677 of 2021

and

W.M.P. (MD) Nos.9182 & 9183 of 2021

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M.S.Dinesh

... Petitioner

vs.

1.The District Collector
Tiruchirappalli District
Tiruchirappalli

2.The Personal Assistant to Collector
Nutritious Meal Programme
Tiruchirappalli District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus calling for the records pertaining to the impugned order bearing No.Rc.R3/10622/2016, dated 05.11.2016, on the file of the 1st respondent and quash the same as illegal and consequently direct the respondents to reinstate the petitioner into the service in the light of the Judgment of the Hon'ble Supreme Court of India in Ajay Kumar Chowdhary vs Union of India, reported in (2015) 7 SCC 291.

For Petitioner : Mr.Mahendrapathy.S.

For Respondents : Mr.D.Sadiq Raja

Additional Government Pleader

O R D E R

The order of suspension, dated 05.11.2016, passed by the first respondent, placing the petitioner under suspension, is under challenge in this writ petition.

2. The petitioner was working as Assistant in the Office of the Personal Assistant to Collector (Noon Meals), Tiruchirappalli District. A criminal case was registered against him in Crime No.344 of 2016, under Sections, 147, 148, 294(b), 307, 302, 506(ii) I.P.C., on 02.11.2016. The petitioner was arrested and remanded to judicial custody on 04.11.2016. Thus, the petitioner was placed under suspension by the respondents.

3. The learned counsel for the petitioner states that in the criminal case, the trial is in progress in S.C.No.81 of 2020, on the file of the Principal Sessions Court, Tiruchirappalli. The petitioner is an innocent person and he is not involved in any criminal offence.



4. The learned Additional Government Pleader appearing for the respondents objected the said contention by stating that the involvement of the petitioner is traceable even in the charge sheet itself, which is enclosed along with the typed set of papers. Therefore, the impugned order cannot be revoked.

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5. This Court is of the considered opinion that the allegations in the criminal case cannot be adjudicated in a writ petition. It is for the petitioner to establish his innocence or otherwise before the Court of law, wherein the trial is in progress. As far as the departmental disciplinary proceedings are concerned, the petitioner is under suspension and now, the trial in the criminal case is in progress. The petitioner's involvement is serious in nature as a case under Section 302 I.P.C. has been registered against him. Under these circumstances, it is not preferable to allow the petitioner to continue in the post of Assistant in Panchayat Union. The petitioner is now participating in the trial, which is in progress. Only after the disposal of the criminal case, the petitioner may approach the Competent Authority for appropriate remedy.

6. With the above observations, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CO)

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/ /2022

Sub Assistant Registrar(CS)

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To:

1.The District Collector,
Tiruchirappalli District, Tiruchirappalli.

2.The Personal Assistant to Collector,
Nutritious Meal Programme, Tiruchirappalli District.

+1 CC to M/s.SPL.GP (SR-17044[F] dated 06/04/2022)

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RD(13.04.2022) 2P 4C