



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.15068 of 2019

and

W.M.P. (MD) No.11594 of 2019

WEB COPY

P.Sivakumaran

... Petitioner

vs.

1.The Assistant Director of Town Panchayats
Tiruchirappalli District

2.The Executive Officer
Koothappar Town Panchayat
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 relating to the impugned order of the 1st respondent in his proceedings ROC.No.918 / 2019 / TP 2 dated 03.06.2019 quash the same and consequently directing the respondents 1 & 2 to regularize the period of suspension of the petitioner and to pay salary for the said period with all of the attendant benefits to the petitioner.

For Petitioner : Mr.C.Jeganathan
For M/S. Veera Associates

For Respondents : Mr.D.S.Nedunchezian, Government Advocate

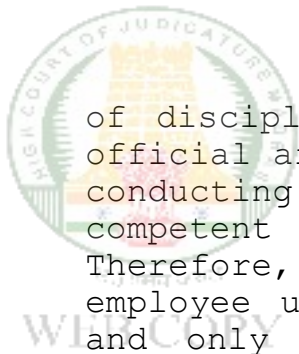
O R D E R

The order of suspension, dated 03.06.2019, passed by the first respondent, is under challenge in this writ petition.

2. The petitioner was working as Office Assistant. He was placed under suspension by the first respondent for certain irregularities committed by him. The order of suspension states that an enquiry into the grave charges against the petitioner is contemplated for certain irregularities committed by him in Koothappar Town Panchayat, Tiruchirappalli District.

3. The learned counsel for the petitioner mainly contended that the second respondent / Executive Officer alone is the Authority competent and not the first respondent to pass the suspension order.

4. This Court is of the considered opinion that as far as the suspension is concerned, it is not a punishment. On initiation



of disciplinary proceedings, the immediate superior or the higher official are empowered to issue the order of suspension. Only after conducting enquiry, the files will be placed before the Authority competent to impose punishment on the delinquent employee. Therefore, initiation of disciplinary proceedings or placing an employee under suspension shall be done by the immediate superior and only the final orders are to be passed by the competent Authority prescribed under the Rules in force for imposing punishment.

5. This being the Rules, which are in force, the contention of the learned counsel for the petitioner that the first respondent, who is the higher official, is not competent to place the petitioner under suspension is incorrect and the petitioner was working as Office Assistant and therefore, the first respondent is competent to issue the order of suspension.

6. The petitioner is under suspension for about 2 ½ years. Prolonged suspension is also not preferable. Keeping an employee for an indefinite period would cause financial loss to the State exchequer as subsisting allowance is to be paid without extracting any work. Thus, on initiation of disciplinary proceedings, the Authorities competent are expected to conclude the proceedings as expeditiously as possible by following the procedures.

7. In view of the fact that the petitioner has already reached the age of superannuation and unable to get his terminal and pensionary benefits, the disciplinary proceedings are to be concluded at the earliest possible. Under these circumstances, the respondents are directed to proceed with the enquiry proceedings and conclude the same and pass final orders by affording due opportunity to the petitioner as expeditiously as possible.

8. The petitioner is directed to co-operate for early disposal of the disciplinary proceedings. In the event of non-cooperation, the same may be recorded in the proceedings itself and in such circumstances, the petitioner is not entitled to claim any relief on the ground of delay on the side of the respondents.

9. With these directions, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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



To:

1.The Assistant Director of Town Panchayats,
Tiruchirappalli District.

2.The Executive Officer,
Koothappar Town Panchayat,
Tiruchirappalli District.

+1 CC to M/s.SPL GP (SR-6787[F] dated 17/02/2022)

+1 CC to M/s.VEERA ASSOCIATES, Advocate (SR-6290[F] dated
15/02/2022)

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RD(02.03.2022) 3P 5C