



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 08.02.2022
CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WEB COPY

W.P.(MD) No.18213 of 2019
and
W.M.P.(MD) Nos.14650 & 14651 of 2019

S.Vijayalakshmi

... Petitioner

-vs-

1.The District Collector,
Madurai District, Madurai.

2.The Personal Assistant (Development)
to the Collector,
Madurai District, Madurai.

3.The Assistant Director of Panchayat,
Madurai District, Madurai.

4.The Block Development Officer (Village Panchayat),
Usilampatti Union,
Madurai District, Madurai.

5.The Special Officer/The Block Development Officer
(Village Panchayat),
Potthampatti Panchayat,
Usilampatti Panchayat Union,
Madurai District, Madurai.

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari to call for the records pertaining to the impugned order passed by the 1st respondent made in Na.Ka.No.59773/2012/Oo.Va.6 dated 26.10.2012 and quash the same as illegal.

For Petitioner : Mr.P.R.PRITHIVIRAJ, Advocate

For Respondents : Mr.A.K.MANIKKAM,
Special Government Pleader

O R D E R

The order of suspension dated 26.10.2012 is impugned in the present writ petition.



2. The petitioner is working as Panchayat Secretary in the fifth respondent - Panchayat. Disciplinary proceedings were initiated against him for certain irregularities made in the entries of the registers. The petitioner was placed under suspension by the first respondent vide proceedings dated 26.10.2012. The allegations regarding the irregularities are serious in nature. The active collusion of the petitioner for illegalities and irregularities are also raised. Thus, an enquiry is highly warranted. However, keeping an employee under suspension for an indefinite period is certainly not desirable. Prolonged suspension is bad in law. Once disciplinary proceedings are initiated and the employee is placed under suspension, the Authorities competent are bound to proceed with the disciplinary proceedings and conclude the same as expeditiously as possible.

3. The learned counsel for the petitioner made a submission that the petitioner is under suspension for about nine years and there is no progress in the disciplinary proceedings. The subsistence allowance as admissible has not been paid. There is no criminal case pending against the petitioner. Thus, the impugned order is to be set aside.

4. Keeping an employee under suspension for an indefinite period without reviewing the order of suspension is in violation of the established principles. This apart, long suspension would cause prejudice both to the employees as well as to the Department. In the event of dropping of proceedings or otherwise, even for the period during which the petitioner has not worked, the salary has to be paid. Thus, the loss to the State Exchequer is to be considered by the Authorities competent.

5. In view of the fact that the petitioner is under continuous suspension for about nine years, the impugned order passed by the first respondent, dated 26.10.2012, is quashed and the writ petition is allowed. The respondents are directed to reinstate the petitioner within a period of four weeks from the date of receipt of a copy of this order and proceed with the departmental disciplinary proceedings and conclude the same as expeditiously as possible. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (AD-I)

// True Copy //

/ /2022
Sub Assistant Registrar(CS)



To

- 1.The District Collector,
Madurai District, Madurai.
- 2.The Personal Assistant (Development)
to the Collector,
Madurai District, Madurai.
- 3.The Assistant Director of Panchayat,
Madurai District, Madurai.
- 4.The Block Development Officer (Village Panchayat),
Usilampatti Union,
Madurai District, Madurai.
- 5.The Special Officer/The Block Development Officer
(Village Panchayat),
Potthampatti Panchayat,
Usilampatti Panchayat Union,
Madurai District, Madurai.

+1CC Special Government Pleader, SR.No.4987

W.P. (MD) No.18213 of 2019

and

W.M.P. (MD) Nos.14650 & 14651 of 2019

08.02.2022

SA (28.02.2022) 3P 7c