



W.P(MD)No.22180 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.10.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.22180 of 2022

and

W.M.P.(MD)No.16357 of 2022

V.R.Jeyakumar

... Petitioner

Vs.

1.The Joint Director of Kallar Reclamation,
Old Ramanthapuram Road (Collectorate Campus),
Madurai 625 020, Madurai District.

2.The Headmaster,
Government Kallar Higher Secondary School,
Mela Urappanur, Madurai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records relating to the proceedings of the 1st respondent made in Roc.No.H3/42959/2021 and order dated 20.10.2021 and quash the same.

For Petitioner : Mr.V.Kannan.

For Respondents : Mr.A.K.Manikkam,
Spl. Government Pleader.



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ORDER

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Heard the learned counsel on either side.

2.The writ petitioner is working as B.T.Assistant in the second respondent school. By the impugned order dated 20.10.2021, the first respondent suspended the petitioner from service. The reason for issuing the suspension order was the implication of the writ petitioner in Crime No.395 of 2021 registered on the file of Samayanallur Police Station for the offences under Section 294(b), 353 and 506(i) of IPC r/w. Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002. The petitioner was arrested and he was in custody for more than 48 hours. Therefore, the order of suspension cannot be faulted. The first respondent rightly suspended the writ petitioner. The question that arises for consideration is whether the petitioner should continue to remain under suspension. I am more than satisfied that his continued suspension is not at all warranted. Continuance of suspension order must serve a purpose. In this case, no such purpose will be served. In fact, without extracting any work from the petitioner, he is being paid subsistence allowance. That is why, the Hon'ble Supreme Court in the decision reported in **(2015) 7 SCC 291 (Ajay Kumar Choudhary vs Union Of India)** had held that suspension order must be periodically reviewed. Since keeping the petitioner's



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suspension is not going to serve any purpose, I direct the first respondent to revoke the order of suspension and reinstate the petitioner in service. Such an order will be passed within a period of two weeks from the date of receipt of a copy of this order. Regarding regularization of the suspension period, that will be a separate cause of action and the petitioner can work out the same independently.

3.The writ petition is allowed accordingly. No costs. Consequently, connected miscellaneous petition is closed.

17.10.2022

Index : Yes / No

Internet : Yes/ No

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Issue order copy on 20.10.2022.

To:-

1.The Joint Director of Kallar Reclamation,
Old Ramanthapuram Road (Collectorate Campus),
Madurai 625 020, Madurai District.

2.The Headmaster,
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G.R.SWAMINATHAN, J.

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