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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.11.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.23352 of 2022
and
W.M.P(MD)Nos.17428 & 17429 of 2022

I.Rajendran ... Petitioner

Vs

1.The State represented by
The Additional Chief Secretary to Government,
Home (Prison – I) Department,
Secretariat,
Chennai.

2.The Director General of Police/
Director General of Prisons and
Correctional Services,
Prison and Correctional Service Department,
Whannels Road,
Egmore,
Chennai – 600 008.

3.The Deputy Inspector General of Prisons,
Trichy Range,
Trichy.

4.The Deputy Inspector General of Prisons,
Madurai Range,
Madurai – 625 016.

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5.The Superintendent of Prisons,
Central Prison,
Trichy.

6.The Superintendent of Prisons,
Central Prison,
Madurai.

7.The District Jailor,
District Prison,
Dindigul District. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the Impugned Order dated 17.09.2022 in G.O.(2D)No. 381 on the file of the first respondent and consequential impugned order No. 24677/CS2/2022 dated 20.09.2022 on the file of the second respondent to quash the same as illegal and consequnently to reinstate the petitioner with the fourth respondent office within the time stipulated by this Court.

For Petitioner : Mr.T.Thirumurugan

For Respondents : Mr.A.K.Manikkam
Special Government Pleader

ORDER

Heard the learned counsel on either side.

2. The writ petitioner has been suspended vide order dated 17.09.2022. Questioning the same, the present writ petition has been filed.

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3. The impugned order reads that the reason for suspension cannot be furnished in the larger public interest. I, therefore, called upon the learned Special Government Pleader to inform the Court as to why the petitioner has been suspended. Today, the relevant materials have been placed before me. I am *prima facie* of the view that at this stage this Court cannot interfere at the matter. However, the petitioner is permitted to submit representation seeking revocation of the suspension order. As and when such representation is received, the first respondent is directed to consider the same and pass order on merits and in accordance with law within a period of twelve weeks after such receipt.

4. The learned counsel appearing for the petitioner complains that he is yet to be paid subsistence allowance. It is well settled that when an employee is placed under suspension, the employer-employee relationship does not get snapped. The employer is obliged to pay subsistence allowance to the petitioner regularly. With this direction to the first respondent, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

16.11.2022

Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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