



W.P.(MD).No.3881 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:26.08.2022

CORAM:

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

W.P.(MD).No.3881 of 2017

and

W.M.P.(MD).Nos.3074 and 10060 of 2017

S.Kannadasan,
Tutor cum Warden (under suspension),
Adi Dravida Welfare Boys Hostel,
Thirupathur,
Sivagangai District.

... Petitioner

vs.

1.The Director,
Adi Dravida Welfare Department,
Chennai -5.

2.The District Adi Dravida and Tribal Welfare Officer,
Sivagangai,
Sivagangai District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari to call for the records pertaining to the order made in Roc.No.W2/4969/2015-2, dated 05.04.2016 passed by the second respondent and quash the same.



W.P.(MD).No.3881 of 2017

For Petitioner : Mr.P.R.Prithivraj
For Respondents : Mr.J.John Rajadurai
Government Advocate

ORDER

This Writ Petition is filed for issuance of a Writ of Certiorari to call for the records pertaining to the order passed by the second respondent in Roc.No.W2/4969/2015-2, dated 05.04.2016 and quash the same.

2. When the matter is taken up, learned counsel for the petitioner submitted that the petitioner was charged with an allegation that he abetted a suicide of one 12th standard girl student Aanipriya, resulting in registration of case in Thirupathur Town Police Station in Crime No.123 of 2015 under Section 174 of Cr.P.C., altered into 306, 201, 506(i) I.P.C., and Section 6(1) of Protection of Children from Sexual Offence Act, 2012. He further submitted that in the criminal case, final report was filed and the case was taken cognizance in Special S.C.No.23 of 2016 on the file of Special Court for POCSO Act Cases, Sivagangai. After full-fledged trial, the petitioner as well as the other accused were found not



W.P.(MD).No.3881 of 2017

guilty of the aforesaid charges and acquitted. In the departmental proceedings, it is submitted that the petitioner has given explanation to the charge memo dated 06.04.2016, on 16.05.2016. Thereafter, there was no progress in the departmental proceedings and he is paid subsistence allowance. Thus, he prayed for setting aside the suspension order.

3. In response, the learned Special Government Pleader submitted that merely because the petitioner was acquitted in the criminal case, the charges framed in departmental proceedings cannot be thrown out of consideration and the departmental proceedings must be independently proceeded for it to reach its logical conclusion.

4. Considered the rival submissions and perused the records.

5. This Writ Petition is filed with the limited prayer challenging the order of suspension issued against the petitioner. Admittedly, the petitioner was suspended as per the impugned order dated 05.04.2016 and he is still under suspension. It is also not in dispute that the petitioner is being subsistence allowance from the date of his suspension till date.



W.P.(MD).No.3881 of 2017

WEB COPY

6. In view of the development subsequent to the filing of this writ petition that the petitioner was acquitted in the criminal case, this Court is of the view that the suspension may be revoked and the departmental enquiry may be proceeded with. It would also avoid unnecessary payment in the form of subsistence allowance. Thus, this Court directs the respondents to revoke the suspension order issued against the petitioner and give him employment, then proceed to dispose the departmental proceedings pending against him as early as possible, preferably within a period of six months from the date of receipt of a copy of this order. Accordingly, this Writ Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petitions are closed.

26.08.2022

akv

Index: Yes/No

Internet: Yes



W.P.(MD).No.3881 of 2017

To

WEB COPY

1. The Director,
Adi Dravida Welfare Department,
Chennai -5.
2. The District Adi Dravida and Tribal Welfare Officer,
Sivagangai,
Sivagangai District.



WEB COPY



W.P.(MD).No.3881 of 2017

G.CHANDRASEKHARAN,J.

akv

W.P.(MD).No.3881 of 2017

26.08.2022