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W.P.(MD)NO.24065 OF 2022

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.24065 of 2022 and
W.M.P.(MD)Nos.18168 and 18169 of 2022

A.Shanmugam,
S/o.Arumugam Pillai,
Food Safety Officer (Presently under suspension),
Theni Allinagaram Municipality,
Theni Block, Theni District. ... Petitioner

Vs.

The Commissioner,
Food Safety and Drug Administrative Department,
No.359, Anna Salai, Teynampet,
Chennai – 600 006. ... Respondent

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned suspension order in Ref.R.No.0180/2022/S1/FSD dated 07.01.2022 on the file of the respondent, quash the same as illegal and consequently direct the respondent to revoke the same and to reinstate the petitioner in the post of Food Safety Officer or in any other insensitive post.

For Petitioner : Mr.G.Sethu Surendhar

For Respondent : Mr.R.Suresh Kumar,
Additional Government Pleader.

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ORDER

Heard the learned counsel on either side.

2. The petitioner was suspended from service vide order dated 07.01.2022 following his implication and arrest in a vigilance case. The petitioner has given representation for revocation of his suspension. Since it was not considered, he filed W.P.(MD)No.19282 of 2022. Vide order dated 23.08.2022, a learned Judge of this Court gave a direction to the respondent to pass order on the petitioner's representation on merits and in accordance with law.

3. It appears that this direction has not been complied with. That does not mean that the petitioner can file another writ petition on the same cause of action for questioning the suspension order itself. The suspension order cannot be faulted. It is not in dispute that the petitioner was arrested and also remanded to custody. Therefore, the petitioner was rightly suspended.



4. The only question that calls for consideration is that the petitioner should be continued to put under suspension. This is a matter in which the respondent alone can take a call. This Court had already given a direction in this regard. Therefore, except to direct the respondent to comply with the earlier direction given by this Court in W.P.(MD) No.19282 of 2022 vide order dated 23.08.2022, no further order is required.

5. This writ petition stands disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

16.11.2022

Index : Yes / No

Internet : Yes/ No

PMU

To:

The Commissioner,
Food Safety and Drug Administrative Department,
No.359, Anna Salai, Teynampet,
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4

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G.R.SWAMINATHAN,J.

PMU

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