



W.P(MD)No.24281 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.10.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.24281 of 2022

and

W.M.P.(MD)No.18388 of 2022

M.Sivasubramanian

... Petitioner

Vs.

1.The Director of Employment and Training,
Office of the Director of Employment and Training,
Guindy,
Chennai-600 032.

2.The Deputy Director / Member,
Government Industrial Training Institute,
Tuticorin,
Tuticorin District 628 101.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned suspension order issued by the first respondent in his proceedings in No.2976/OP2/2022, dated 18.03.2022 and quash the same as illegal and unconstitutional and consequently, direct the respondents herein to reinstate the petitioner in service with consequential benefits.



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For Petitioner : Mr.Sricharan Rengarajan
for Mr.P.Mahendran
For Respondents : Mr.R.Suresh Kumar
Additional Government Pleader

ORDER

Heard the learned counsel on either side.

2. The petitioner was employed as Office Manager in Government ITI, Tuticorin. He has been charged with misappropriation. He was suspended from service on 18.03.2022. Seeking revocation of the suspension order and reinstatement, this writ petition has been filed.

3. The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to grant relief as prayed for.

4. I am not persuaded by the said submission. Whether to continue the petitioner to place under suspension or whether to reinstate him in service are matters in which the competent authority has to take a call. It is not for this Court to issue any positive direction. If the suspension has been prolonged for an unreasonable period, then, this Court would definitely direct the employer to take the employee delinquent in service. Such is not the case here. However, there is merit in the contention of the learned counsel for the petitioner that the suspended employee has to be paid subsistence allowance.



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5. I therefore direct the respondents to pay subsistence allowance payable to the petitioner including the arrears forthwith and without any delay. He shall be continued to be paid the same so long his suspension lasts.

6. It is stated by the petitioner's counsel that the petitioner will move the competent authority /R1 with request for reinstatement. It is open to the petitioner to submit such representation and the first respondent is directed to dispose of the same on merits and in accordance with law within a period of four weeks after it is submitted.

7. The Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

20.10.2022

Index : Yes / No
Internet : Yes/ No
rmi

NOTE:Issue Order Copy on 26.10.2022.



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G.R.SWAMINATHAN, J.

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To

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