



W.P(MD)No.24818 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.11.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.24818 of 2022

and

W.M.P.(MD)No.18900 of 2022

S.Suresh,
Town Planning Inspector,
Devakottai Municipality,
Sivagangai District.

... Petitioner

Vs.

The Commissioner,
Devakottai Municipality,
Devakottai,
Sivagangai District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondent to revoke the suspension order passed by the respondent vide his proceedings in Roc. No. 1383/2022/C1 dated 11.10.2022 and consequently to reinstate the petitioner in service by invoking the power conferred under Rule 8(14) of the Tamil Nadu Municipal Service (Discipline and Appeal) Rules 1970 and by considering the petitioner's representation dated 17.10.2022 within the period that may be stipulated by this Court.



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For Petitioner : Mr.H.Mohammed Imran,
for M/s.Ajmal Associates.

For Respondent : Mr.J.Anand Kumar,
Standing Counsel.
* * *

ORDER

Heard the learned counsel on either side.

2. The petitioner is employed as Town Planning Inspector in Devakottai Municipality. By the impugned order, he has been suspended from service. The petitioner seeks revocation of the suspension order.

3. The learned Standing counsel appearing for the Municipality pointed out that there was a proposal to establish weekly market and daily market at a cost of few crores of rupees within the limits of Devakottai Municipality. In this regard, inspection by higher officials was conducted. At that time it came to be known that the plan prepared by the Town Planning Department was faulty as it had included the lands belonging to the private parties also. The petitioner as the Town Planning Inspector was therefore placed under suspension.



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4. The petitioner's counsel pointed out that the plan was not finalised by him.

5. To this submission, the learned Standing counsel rebutted by saying that it was the duty of the petitioner to have verified the correctness of the plan, since he knew that inspection would be conducted.

6. I do not want to go into this issue. Suffice it to say that only for this reason the petitioner has been suspended. The petitioner will have to necessarily face the charges on merits. The petitioner's counsel on instructions states that the petitioner will not file any writ petition questioning the charge memo. He will give his explanation and if the authority is not satisfied with the explanation and proposes to conduct enquiry, he will face the same. This undertaking given by the petitioner through his counsel is placed on record.

7. Any suspension order has to serve some purpose. If the authority is of the view that unless the delinquent is placed under suspension, he would interfere with the enquiry, then suspension



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would be justified. In the case on hand, the charge against the petitioner is based entirely on records. There is no question of tampering or tinkering the evidence. Keeping the petitioner under suspension is not going to serve any purpose. The petitioner is only challenging the continuance of the suspension order.

8. I find force in the petitioner counsel's contention. The inspection was conducted on 11.10.2022 and the suspension order was issued on the very same date. We are now in 15.11.2022. I am of the view that keeping the petitioner under continued suspension is not going to serve any purpose. The respondent is directed 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. This writ petition stands allowed on these terms. No costs. Consequently, connected miscellaneous petition is closed.

15.11.2022

Index : Yes / No
Internet : Yes/ No
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To

The Commissioner,
Devakottai Municipality,
Devakottai,
Sivagangai District.



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G.R.SWAMINATHAN, J.

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