



W.P(MD)No.25189 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 21.11.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.25189 of 2022

and

W.M.P.(MD)No.19286 of 2022

C.Rajamanickam

... Petitioner

Vs.

The District Collector,
Thiruchirapalli District,
Thiruchirapalli.

... Respondent

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 on the file of the respondent in connection with the impugned order of suspension passed by him in his proceedings in Se.Mu.No. Tha4/9365/2014 dated 04.12.2020 and quash the same and consequently direct the respondent to pay enhanced subsistence allowance based on the representation of the petitioner dated 01.08.2022 within the time limit that may be stipulated by this Court.



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For Petitioner : Mr.K.Gurunathan

For Respondent : Mr.J.K.Jayaseelan,
Government Advocate.

ORDER

Heard the learned counsel on either side.

2.The writ petitioner is employed as a Driver in a Panchayat Union. By the impugned order dated 04.12.2020, he has been dismissed from service. It is alleged that the petitioner has given fake eighth standard certificate. The learned counsel for the petitioner states that as per the recruitment rules, the prescribed qualification is tenth standard fail and possession of driving license. The petitioner has failed in tenth standard and he is possessing the driving license. Thus, the petitioner is fulfilling all the necessary eligibility requirements.

3.The petitioner and his wife have fallen out. The petitioner's wife had given a certificate purporting to be the petitioner's eighth standard certificate. It is that certificate which appears to be bogus. The stand of the petitioner is that the management could not have relied on a document produced by his estranged wife. Be that as it may, that is the



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subject matter to be dealt with in departmental proceedings. The issue before this Court is whether the petitioner should continue to be under suspension. The petitioner was suspended from service almost two years ago. The petitioner is getting subsistence allowance. For suspension to continue to operate, it must serve some purpose. By keeping the petitioner under suspension, no purpose will be served. In the departmental proceedings, though enquiry has been completed, no final order has been passed. In these circumstances, reinstating the petitioner is not going to affect the department's interest in any way. Since the petitioner's eligibility to be appointed is not in doubt, I direct the respondent to reinstate the petitioner in service forthwith and without any delay. The petitioner's right to continue in service will abide by the outcome of the departmental proceedings.

4.The writ petition is allowed on these terms. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No

Internet : Yes/ No

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Issue order copy on 24.11.2022.

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G.R.SWAMINATHAN, J.

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To

The District Collector,
Thiruchirapalli District,
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