



WEB COPY



W.P.No.1986 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2023

C O R A M

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.1986 of 2023

and

W.M.P.Nos.2064 & 2065 of 2023

S.Gunasekaran

... Petitioner

Vs.

1. The Chairman,
Tamil Nadu Urban Habitat Development Board,
(Formerly Known as Tamil Nadu Slum Clearance Board)
Chennai-600 005.

2. The Managing Director,
Tamil Nadu Urban Habitat Development Board
(Formerly Known as Tamil Nadu Slum Clearance Board)
Chennai-600 005.

... Respondents

PRAYER: The Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus or any other appropriate writ order or Direction in the nature of writ calling for the records of the impugned order issued by the 1st respondent through the proceedings in Proc.No.A3/12269/2020 Dated 23.11.2020 and quash the same and directing the respondents to reinstate the petitioner into service with all monetary benefits as directed by this Hon'ble Court.



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For Petitioner : M/s.M.Silambarasan

For Respondents : Mr.M.Babu Muthumeeran,
Standing Counsel

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ORDER

This Writ Petition has been filed Challenging the impugned proceedings of the 1st respondent dated 23.11.2020 whereby the petitioner was placed under suspension and for a consequential direction to the respondents to reinstate the petitioner into service after revoking the suspension and to give all monetary benefits.

2. Heard M/s.M.Silambarasan, learned counsel appearing on behalf of the petitioner and Mr.M.Babu Muthumeeran, learned Standing Counsel appearing on behalf of the respondents.

3. The petitioner was working as an Estate Officer at Tiruchi Division. While so, as criminal case came to be registered in Crime No.16 of 2020 by the DV & AC under Section 7 & 12 of the Prevention of Corruption Act. The petitioner was suspended by the 1st respondent through proceedings dated 23.11.2020.



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4. The petitioner gave a representation on 25.01.2021 seeking for revocation of the order of suspension since he was kept under a prolonged suspension. That apart, the criminal case that was registered against the petitioner is pending at the stage of trial in CC.No.6 of 2022 and out of the 13 witnesses, the prosecution had examined only 2 witnesses. Since all these factors were not considered by the respondents, the present Writ Petition has been filed challenging the order of suspension passed by the 1st respondent.

5. In the considered view of this Court, there is no ground to straight away interfere with the order of suspension against the petitioner more particularly considering the fact that the complaint against the petitioner is that he indulged in corrupt practices. However, this Court does not want to go into the merits of the case and it would suffice if a direction is issued to the respondents to consider the representation made by the petitioner seeking for the revocation of the order of suspension.

6. In the light of the above discussion, there shall be a direction to the 2nd respondent to consider the representation made by the petitioner on 25.01.2021 and take a decision on its own merits and in accordance with law and pass an



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order within a period of four weeks from the date of receipt of a copy of this

order. The petitioner is directed to make a fresh representation to the 2nd

respondent along with all the relevant documents and also a copy of this order.

7. This Writ Petition is disposed of with the above direction. No

Costs. Consequently, connected Miscellaneous Petitions are closed.

27.01.2023

Speaking Order/Non-Speaking Order.

Internet : Yes/No.

Index: Yes/No.

Neutral Citation: Yes/No

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To
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Chennai-600 005.
2. The Managing Director,
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Chennai-600 005.



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N. ANAND VENKATESH, J.

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