



WEB COPY



W.P.No.15310 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.07.2023

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.15310 of 2013
and W.M.P.No.1 of 2013
and 1 of 2014

A.Karunanithi

... Petitioner

Vs.

1. The State of Tamilnadu,
Rep. by Chief Secretary,
Chennai.

2. The Divisional Engineer (Highways)
Villupuram.

3. The Assistant Divisional Engineer (Highways)
C & M
Villupuram.

4. The Assistant Engineer, (Highways)
East Section,
Villupuram.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari Mandamus, calling for the records of the 2nd respondent in PRO No.464/2013/B3, dated 20.03.2013 and quash the same and thereby direct the respondents to permit the petitioner to work as Gang Mazdoor of Villupuram (Highways) C & M Sub division.



W.P.No.15310 of 2013

For Petitioner : Mr.N.Suresh

For Respondents : Mr.V.Veluchamy

ORDER

This Writ Petition has been filed, challenging the order of suspension, dated 20.03.2013 passed by the 2nd respondent thereby suspended the petitioner from service.

2. The petitioner was originally appointed as 'Salai Paniyalar' and subsequently as per the G.O.Ms.No.160, Highways Department, dated 05.09.2002, he was absorbed in the Highways Department. Accordingly, he was placed as Gang Mazdoor in Assistant Divisional Engineer Office at Villupuram by virtue of the proceedings of the 2nd respondent dated 11.02.2006. While so, the petitioner was served with suspension order on 20.03.2013, thereby he was suspended from his service. In the suspension order, it is revealed that the petitioner involved in Crime No.2 of 2004 and the same is under investigation.

3. On perusal of FIR in Crime No.2 of 2004 on the file of the



W.P.No.15310 of 2013

Kandamangalam Police Station, Villupuram, it is seen that as against 43 persons, in respect of a complaint given by A.Malar on 01.01.2004, FIR has been registered for the offences punishable under Sections 147, 148, 241, 324, 323, 395, 397 and 307 I.P.C. and Section 3 of Tamilnadu Public Property (Prevention of damage and loss) Act. However, the petitioner name does not find place in the said FIR. After completion of investigation the Inspector of Police has filed final report on 10.02.2004. Even in the Charge Sheet, the petitioner name does not find place.

4. However, on perusal of the counter filed by the 3rd respondent, it is revealed that the Inspector of Police, Kandamangalam Police Station, addressed a letter dated 01.03.2013 saying that the petitioner involved in Crime No.2 of 2004 and his name is mentioned as 15th accused, Karnan @ Karunanidhi S/o. Vellaiyan @ Ayyakannu. But FIR as well as the charge sheet shows that the accused name as Karnan S/o Vellaiyan, but the petitioner name is Karunanithi S/o Ayyakannu. In order to implicate the petitioner, the Inspector of Police, Kandamangalam Police station, Villupuram submitted a letter as if the petitioner involved in crime. That



W.P.No.15310 of 2013

apart, the charge sheet was laid as early as on 10.02.2004 whereas it was informed in the year 2013 to the 3rd respondent and as such on the said communication, the petitioner was suspended from service.

5. Now, the petitioner was reinstated into service and working as Gang Mazdoor under the 3rd respondent. Therefore, the suspension order cannot be sustained and it is liable to be quashed. Accordingly, the proceedings in PRO No.464/2013/B3, dated 20.03.2013 is set aside. The Writ Petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

20.07.2023

Speaking Order/Non-Speaking Order
Index: Yes/No
vum

To



W.P.No.15310 of 2013

1 The Chief Secretary,
Chennai.

2. The Divisional Engineer (Highways)
Villupuram.

3. The Assistant Divisional Engineer (Highways)
C & M
Villupuram.

4. The Assistant Engineer, (Highways)
East Section,
Villupuram.

G.K.ILANTHIRAIYAN,J.



WEB COPY



W.P.No.15310 of 2013

vum

W.P.No.15310 of 2013

20.07.2023