



WEB COPY



Writ Petition No.2271 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.01.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.2271 of 2023

E.Nixon

S/o.Egambaram

... Petitioner

Vs.

1.The Joint Secretary to Government,
Finance Department,
Fort St.George, Chennai - 600 009.

2.The Under Secretary to Government,
Finance (OP-II) Department,
Fort St.George, Chennai - 600 009.

3.The Assistant Commissioner of Police,
Harbour Range,
No.133, Fort Police Station,
Chennai - 600 001.

4.Ela.Rajamuruga Babu
S/o.Elangovan

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorari/Mandamus calling for the records pertaining to the first respondent's suspension order office proceedings No.63/OP 11/2022 dated 24.01.2022 and quash the same, consequently, direct the first respondent to reinstate the petitioner into service with continuity of service and to pay all other service benefits including the arrears of back wages *etc.*, to the petitioner till the disposal of the writ petition.



Writ Petition No.2271 of 2023

For Petitioner : Mr.M.Chidambaram
For Respondents : Mr.E.Sundaram
Government Advocate [R1 to R3]

ORDER

This writ petition has been filed challenging the order of suspension passed by the first respondent through proceedings dated 24.01.2022 and for a consequential direction to the first respondent to reinstate the petitioner into service and to pay all the benefits.

2. The case of the petitioner is that he was working as Office Assistant in the Secretariat and based on a criminal case filed in Crime No.10 of 2022, the petitioner was arrested and remanded to judicial custody on 23.01.2022. This resulted in the first respondent passing an order of suspension through proceedings dated 24.01.2022.

3. The grievance of the petitioner is that a false criminal case was given against him as if the petitioner had received a sum of Rs.18,05,000/- on the promise of getting jobs. According to the petitioner, it was a money transaction, which was given a different colour and it ultimately ended in the petitioner being arrested and remanded to



judicial custody.

WEB COPY

4. Learned counsel for the petitioner by bringing to the notice of this Court the order passed in the bail petition in CrI.O.P.No.3905 of 2022, dated 21.02.2022, submitted that the petitioner has deposited the entire amount. The petitioner made a representation for revocation of the order of suspension and since the same was not considered, the present writ petition has been filed before this Court.

5. Heard Mr.M.Chidambaram, learned counsel for the petitioner and Mr.E.Sundaram, learned Government Advocate, appearing for respondents 1 to 3.

6. In the considered view of this Court, considering the seriousness of allegations made against the petitioner, this Court does not find any ground to interfere with the order of suspension passed against the petitioner. However, the main grievance of the petitioner seems to be that the petitioner has been kept under suspension endlessly for more than one year. To redress this grievance, it will suffice if a direction is issued to the first respondent to consider the representation made by the



Writ Petition No.2271 of 2023

petitioner seeking for revocation of suspension within a time frame fixed by this Court.

7. In the light of the above discussion, this writ petition is disposed of with a direction to the petitioner to submit a fresh representation to the first respondent along with all necessary documents and also a copy of this order seeking for revocation of the order of suspension. On receipt of the same, the first respondent shall deal with the representation on its own merits and in accordance with law and take a decision within a period of four (4) weeks from the date of representation from the petitioner.

Accordingly, this Writ Petition is disposed of with the above direction. No costs.

30.01.2023

Neutral Citation: Yes/No
Index: yes/no
Speaking Order/Non-Speaking Order
gm



Writ Petition No.2271 of 2023

To

WEB COPY

- 1.The Joint Secretary to Government,
Finance Department,
Fort St.George, Chennai - 600 009.
- 2.The Under Secretary to Government,
Finance (OP-II) Department,
Fort St.George, Chennai - 600 009.
- 3.The Assistant Commissioner of Police,
Harbour Range,
No.133, Fort Police Station,
Chennai - 600 001.



WEB COPY



Writ Petition No.2271 of 2023

N.ANAND VENKATESH, J

gm

Writ Petition No.2271 of 2023

30.01.2023