



W.P.No.5042 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2023

CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.5042 of 2021
and W.M.P.Nos.5626 & 5628 of 2021

S.Manikandan ... Petitioner

/vs/

1. The District Collector (Rural Development),
District Collector's Office,
Ranipet.

2. The Block Development Officer,
Walajah Panchayat Union,
Walajah, Ranipet District.

...

Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus to call for the records connected with the impugned order passed by the second respondent in Ref. Na.Ka.No.AA 2/2119/2020 dated 04.09.2020 and by the first respondent in Na.Ka.BC 1/546/2020 dated 05.01.2021 and quash the same and direct the respondents to reinstate the petitioner in service.

For Petitioner ... Mr.R.Ramesh

For Respondents ... Mr.T.Arunkumar
Additional Government Pleader



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ORDER

WEB COPY The petitioner who has been suspended from service on 04.09.2020 in view of the pending criminal prosecution, has filed this Writ Petition challenging the order of suspension and seeking direction to the respondents to reinstate the petitioner in service.

2. Mr.R.Ramesh, the learned counsel for the petitioner, submitted that the order of suspension was given on 04.09.2020 and from then onwards no further action has been taken and the petitioner was not even paid with subsistence allowance; the petitioner's request to reinstate him was also rejected by stating that charge sheet has not yet been filed and the matter is under investigation.

3. Even if the criminal proceedings are pending that cannot operate as a bar for disciplinary proceedings. The respondents who have suspended the petitioner in the year 2020 has not proceeded further. In such case the respondents ought to have revoked the order of suspension and reinstated the petitioner and continue disciplinary proceedings.



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4. The rejection order simply states that investigation in the criminal case is pending. If any investigation in the criminal case is pending for years together, the petitioner cannot be kept under suspension without even paying any subsistence allowance.

5. Hence, it is appropriate for the respondents to review the impugned order dated 04.09.2020 and 05.01.2021, in the light of the well settled legal position in this regard and pass appropriate orders within a period of two weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is disposed. No costs. Connected miscellaneous petitions are closed.

14.12.2023

Index: Yes / No
Speaking order / Non-speaking order
bkn



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R.N.MANJULA ,J.

bkn

To:

1. The District Collector (Rural Development),
District Collector's Office,
Ranipet.
2. The Block Development Officer,
Walajah Panchayat Union,
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