



W.P.No.6271 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2023

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.6271 of 2023
and W.M.P.No.6291 of 2023

C. Muthu

... Petitioner

Vs.

1.The Member Secretary,
Sports Development Authority of Tamil Nadu,
Nehru Park,
Chennai.

2.The District Sports and Youth Welfare Officer,
Karur.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned suspension order passed by the first respondent herein in his proceedings No.9582/HR-1/2022 dated 22.09.2022 and quash the same and consequently direct the first respondent herein to reinstate the petitioner into service, within a time frame.



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For Petitioner : Mr.R. Kishore Kumar

For Respondents : Mr.S. Santhos Kumar [R1]

Mr.D. Ravichander,
Special Government Pleader [R2]

ORDER

Mr.S. Santhos Kumar, learned counsel, takes notice for the first respondent and Mr.D. Ravichander, learned Special Government Pleader, takes notice for the second respondent. With the consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

2. By invoking Rule 17(e) of the Tamil Nadu Civil Services (Discipline and Appeals) Rules, the petitioner had been placed under suspension through the impugned order dated 22.09.2022, in contemplation of the inquiry to grave charges.

3. When the Rule itself provides for placing an employee under suspension in contemplation of domestic inquiry, no illegality can be



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attributed to such an action. Thus, the challenge to the suspension order, cannot be sustained.

4. At this juncture, the learned counsel for the petitioner submitted though the petitioner was placed under suspension on 22.09.2022, he has not received the subsistence allowance till date. The learned counsel further submitted that pursuant to the inquiry report, the Disciplinary Authority has sought for further explanation through its proceedings dated 06.02.2023.

5. It is needless to point out that when a Government employee is placed under suspension, he would be legally entitled for the payment of subsistence allowance. Further, though the learned counsel for the petitioner submitted that the inquiry report itself is not sustainable, this Court is of the view that the disciplinary proceedings cannot be interfered on that ground and that if the petitioner is granted liberty to give his further representation with a consequential direction to the Disciplinary Authority to pass final orders, the ends of justice could be secured.



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6. Accordingly, there shall be a direction to the respondents herein, to pay the subsistence allowance to the petitioner from 22.09.2022, if not already paid, within a period of one (1) week from the date of receipt of a copy of this order. Furthermore, the petitioner is granted liberty to give his further explanation to the Inquiry Officer, within 15 days from the date of receipt of a copy of this order. On receipt of such further representation, the Disciplinary Authority shall, if not satisfied with the reply, pass final orders within 15 days from then.

7. With the above directions, the Writ Petition stands closed. No costs. Connected miscellaneous petition is closed.

01.03.2023

Speaking/Non-speaking order

Index: Yes/No

Internet: Yes/No

Neutral Citation: Yes/No

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To



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M.S.RAMESH, J.

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