



W.P.No.15041 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.08.2023

CORAM :

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No.15041 of 2018  
and W.M.P.No.17811 of 2018

N.Kumaravel

.. Petitioner

VS

1.The Commissioner  
Municipal Administration,  
Chepauk, Chennai – 600 005.

2.The Commissioner / Municipal Engineer,  
Arakkonam Municipality,  
Arakkonam, Vellore District.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus calling for the entire records relating to the impugned order passed by the 2<sup>nd</sup> respondent in his proceedings Na.Ka.No.2055/2013/C1, dated 20.06.2013 and quash the same and consequently direct the respondents to reinstate the petitioner into service with backwages, all attendant benefits and other monetary benefits together with continuity of service to the petitioner.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.R.Neethi Perumal  
Government Advocate  
for R1

Dr.S.Swaminathan  
for R2



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ORDER

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Writ petition has been filed in the nature of a certiorarified mandamus seeking interference with the order of the second respondent, the Commissioner / Municipal Engineer, Arakkonam Municipality in proceedings in Na.Ka.No.2055/2013/C1 dated 20.06.2013 and quash the same. The petitioner seeks reinstatement into service with back wages, all attendant benefits and monetary benefits.

2. Let me not enter into a detailed discussion on the facts of the case since, as against the petitioner, departmental proceedings and also criminal case is also pending. In view of that particular fact, let me rest with examining the scope of the impugned order which is dated 20.06.2013.

3. Owing to various acts of omission and commission by the petitioner herein by the said order, the petitioner has been placed under suspension.

4. The grievance of the learned counsel for the petitioner is that the petitioner has been continued to be kept under suspension till today.



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5. Thus, keeping the person under suspension is neither proper nor can that act be condoned by this Court. It is only appropriate that work is extracted. He may have committed a few acts of omission and commission but that would not mean that he should be permanently kept under suspension.

6. Suspension is to ensure that the petitioner does not interfere with the on-going disciplinary proceedings or with the criminal cases and does not tamper with the evidence. But there is also an additional responsibility on the respondents to ensure that they keep their records safe and do not expose it to the petitioner herein and permit it to be so interfered with.

7. In view of the fact the petitioner has been under suspension for about ten years now, a direction is given to the respondents, who has necessary authority to so revoke the suspension of the petitioner, within a period of three weeks from the date of receipt of a copy of this order and post him in any non-sensitive place. Hopefully, he would not commit any further acts of omission or commission as alleged against him. The issue of



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payment of remuneration is left to the discretion of the respondents.

8. Writ petition stands disposed of. No costs. Connected miscellaneous petition is closed.

17.08.2023

Index:Yes/No  
Neutral Citation:Yes/No  
ssm

To

- 1.The Commissioner  
Municipal Administration,  
Chepauk, Chennai – 600 005.
- 2.The Commissioner / Municipal Engineer,  
Arakkonam Municipality,  
Arakkonam, Vellore District.



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C.V.KARTHIKEYAN,J.

ssm

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