



WEB COPY



W.P.No.16086 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.05.2023

Coram

The Honourable Mr.Justice B.PUGALENDHI

W.P.No.16086 of 2023

M.Mahendran

...Petitioner

Versus

1.The Chief Educational Officer,
Mayiladuthurai,
Mayiladuthurai District.

2.The Head Master,
Government Higher Secondary School,
Thirumangalam,
Mayiladuthurai District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the 1st respondent to revoke the suspension order dated 23.09.2022 in R.C.No.4856/B2/2022 and permit the petitioner to join in duty by considering the representation of the petitioner dated 22.03.2023.



W.P.No.16086 of 2022

For Petitioner : M/s.D.Yuva Jaishree
For Respondents : Mr.S.Prabhakaran,
Government Advocate

ORDER

Mr.S.Prabhakaran, learned Government Advocate takes notice for the respondents. With the consent of both sides, this writ petition is taken up for final disposal at the admission stage itself.

2. The relief sought by the petitioner in this writ petition is to direct the first respondent to revoke the suspension order dated 23.09.2022 in R.C.No.4856/B2/2022 and permit him to join in duty by considering his representation dated 22.03.2023.

3. The brief facts of the case are as follows:

The petitioner was working as PG (Tamil) Teacher at Government Higher Secondary School, Thirumangalam, Mayiladuthurai District from 05.03.2022. While so, due to the matrimonial dispute between the



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petitioner and his wife, his father-in-law G.Keethivasan lodged a complaint against him and on the basis of said complaint, the Sub Inspector of Police, Pandhanallur Police Station, Pandhanallur registered a case in Crime No.641 of 2022. Since there is a police complaint against the petitioner, the second respondent forwarded the proceedings in R.C.No.196 of 2022 dated 23.09.2022 to the first respondent, pursuant to which, the first respondent vide proceedings in R.C.No.4856/B2/2022 dated 23.09.2022 suspended the petitioner under Sub Rule (e) of Rule 17 of the Tamil Nadu Civil Service (Discipline and Appeal) Rules. Aggrieved over the same, the petitioner made a representation dated 22.03.2023 to the first respondent, requesting to revoke the suspension order dated 23.09.2022 and permit him to join in the duty. However, the first respondent has not yet considered his representation and pass orders on the same. Hence, left with no other alternative, the petitioner has filed the present writ petition for the aforesaid relief.

4. Heard the learned counsel on either side and perused the materials placed before this Court.



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5. As far as this case is concerned, only on the basis of the complaint which has been registered against the petitioner, he was suspended from service by the first respondent. The petitioner's father-in-law has given the said complaint only due to the matrimonial dispute between his daughter and son-in-law (petitioner).

6. Further, in the present case, without even conducting any enquiry, the first respondent has issued the suspension order to the petitioner. Thus, it is clear that prior to the issuance of suspension order, no opportunity was given to the petitioner to put forth his case. Though the petitioner has unblemished service records, he is under suspension for almost eight months.

7. Considering the limited relief sought by the petitioner and also, taking note of the fact that the petitioner is under suspension for almost eight months, this Court directs the first respondent to consider the petitioner's representation dated 22.03.2023 and pass appropriate orders on merits and in accordance with law, as expeditiously as possible, within a period of eight weeks from the date of receipt of a copy of this order.



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8. With the above directions, this writ petition is disposed of. No costs.

24.05.2023

mrr

Index : Yes/No

To

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B.PUGALENDHI, J.

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