



WEB COPY



WP.No.21547 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.07.2023

CORAM

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

WP.No.21547 of 2023
and W.M.P.Nos.20919 & 20920 of 2023

K.Neppolean

.. Petitioner

Versus

1.The Principal Secretary
Animal Husbandry, Dairying, Fisheries and
Fishermen Welfare Department
Secretariat, Chennai – 600 009

2.The Deputy Secretary
Animal Husbandry, Dairying, Fisheries and
Fishermen Welfare (OP) Department
Secretariat, Chennai – 600 009

3.Ranjeet Singh
4.VS Vimala

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of suspension order issued by 3rd respondent in G.O(2D).No.07, Animal Husbandry, Dairying, Fisheries and Fishermen Welfare (OP) Department, dated 08.03.2023 and quash the same as illegal, arbitrary and non-est in law and consequently directing the 3rd respondent to reinstate the petitioner with monetary benefits.

For Petitioner : Mrs.Dakshayini Reddy, Senior Counsel
for Mr.S.Mohamed Uduman

For Respondents : Mr.E.Vedabagath Singh
Special Government Pleader



WP.No.21547 of 2023

ORDER

This writ petition has been filed challenging the suspension order issued by the third respondent as against the petitioner vide Government Order in G.O(2D).No.07, Animal Husbandry, Dairying, Fisheries and Fishermen Welfare (OP) Department, dated 08.03.2023, quash the same and consequently direct the 3rd respondent to reinstate the petitioner with monetary benefits.

2. The charges as issued against the petitioner are to the effect that he has failed to submit the file for circulation for more than 5 months in Letter No.efile.1016/OP/2023-1 dated 08.03.2023 and he is placed under suspension by the impugned Order dated 08.03.2023. Challenging the same, this writ petition.

3. This writ petition is challenged mainly on the ground that at the relevant point of time, he was hospitalised, therefore, the suspension order is sought to set aside. It is his further grievance that subsistence allowance is not paid from the date of suspension.

4. Heard both sides and perused the materials placed on record. Since, the petitioner is placed under suspension and charges are already framed, this

Court is of the view that it is for the authorities to review the suspension as per



WP.No.21547 of 2023

law taking into consideration of the nature of the charges and departmental proceedings pending as against him.

5. Thus, this Court, as a matter of fact, cannot interfere unless there is a grave miscarriage of justice. Such view of the matter, let the authorities consider the entire proceedings and take a decision in reviewing the order of suspension on its own merits. It is made clear that the respondents shall pay the subsistence allowance as per law within a period of one week from the date of receipt of a copy of this Order.

6. Accordingly, this writ petition stands dismissed. Consequently, connected miscellaneous petitions are closed. No costs.

21.07.2023

dhk

Index:Yes/No

Internet: Yes/No

Neutral Citation:Yes/No

N.SATHISH KUMAR, J.



WEB COPY



WP.No.21547 of 2023

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To

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Animal Husbandry, Dairying, Fisheries and
Fishermen Welfare Department
Secretariat, Chennai – 600 009

2.The Deputy Secretary
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Fishermen Welfare (OP) Department
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WP.No.21547 of 2023

21.07.2023