



WEB COPY



W.P.No.22832 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.08.2023

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.22832 of 2023

Sellamuthu

... Petitioner

Versus

1.The Commissioner,
HR & CE Department,
Nungambakkam,
Chennai-600 034.

2.The Joint Commissioner,
Officer of the Joint Commissioner,
HR & CE Department, Salem,
Salem District.

3.The Assistant Commissioner,
Officer of the Assistant Commissioner,
Kottai Mariamma Temple Complex,
Salem District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue an Order or Direction or Writ in the nature of Writ of Mandamus, directing the respondents herein to dispose the petitioner's representation, dated 12.07.2023 and consequently reinstate the petitioner into service as Ticket Writer in “Arulmigu Prasanna Venkatachalapathy Mariamman Throupathi Thirukoil”, Chevapet, Salem Town, Salem District.

For Petitioner : Mr.W.Camyles Gandhi
For Respondents : Mr.K.Karthikeyan,
Government Advocate, HR & CE



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ORDER

This Writ Petition has been filed to direct the respondents to dispose the petitioner's representation, dated 12.07.2023 and consequently, reinstate the petitioner into service as Ticket Writer in “Arulmigu Prasanna Venkatachalapathy Mariamman Throupathi Thirukoil”, Chevapet, Salem Town, Salem District.

2.The grievance of the Writ Petitioner is that the petitioner was suspended from service on 15.09.2022 for alleged swindling of money during Hundial money counting. Due to which, a departmental proceedings has been initiated, accordingly, the petitioner was placed under suspension. It is the contention of the petitioner that even the criminal case against the petitioner has been closed as Mistake of Fact on 06.07.2023, therefore, the representation of the petitioner, dated 12.07.2023 has to be considered.

3.Heard the submissions of the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents.

4.As the petitioner has been suspended from service for allegation



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of swindling of money from temple Hundial, the respondents cannot keep the petitioner under prolonged suspension without proceeding the disciplinary action.

5.In such view of the matter, the respondents shall complete the disciplinary proceedings, within a period of three months, from the date of receipt of a copy of this order. If the petitioner is eligible, the respondents are also directed to pay the Subsistence Allowance as per Rules.

6.With the above directions, this Writ Petition is disposed of. No costs.

03.08.2023

Index : Yes/No
Internet: Yes/No
Neutral Citation: Yes/No
Speaking Order/Non-Speaking Order

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To

1.The Commissioner,
HR & CE Department,
Nungambakkam, Chennai-600 034.

N.SATHISH KUMAR, J.



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