



W.P.No.23765 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.08.2023

Coram

THE HON'BLE MR JUSTICE N.SATHISH KUMAR

Writ Petition No.23765 of 2023

and

W.M.P.No.23271 of 2023

P.Murugesan

..... Petitioner

-Versus-

- 1.The Divisional Engineer,
Highway Department,
Construction and Maintenance,
Edappadi, Salem District.
- 2.The Assistant Divisional Engineer,
Highway Department,
Construction and Maintenance,
Omalur, Salem District.
- 3.The Assistant Engineer,
Highway Department,
Construction and Maintenance,
Mecheri, Salem District.
- 4.The Superintendent Engineer,
Highway Department,
Salem District.

..... Respondents

Petition filed under Article 226 of The Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records of the 1st respondent in Se.Mu.Ka.No.30/2023/Ni.2 dated 26.06.2023 and to quash the



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same and consequently, direct the 1st respondent to revoke the order of suspension and reinstate the petitioner back into service as Road Worker in the office of the 3rd respondent with consequential benefits.

For Petitioner : Ms.J.Prithivi

*For Respondent (s) : Mr.V.P.R.Elamparithi,
Addl.Government Advocate
for RR1 to 4*

ORDER

Challenging the order of 1st respondent dated 26.06.2023 placing the petitioner under suspension the petitioner has come forward with the present petition.

2. The petitioner joined the services of the 2nd respondent on 13.11.1997 as Road Worker. While he was working as such in the 3rd respondent's office, he was placed under suspension w.e.f. 20.06.2023 by order dated 26.06.2023 after initiating disciplinary proceedings on the ground of his involvement in criminal case in Crime No.395 of 2023 registered by the Inspector of Police, Omalur Police Station against the petitioner for the alleged offence u/s 147, 148, 294(b), 324 & 506(i) of IPC. The very FIR itself came to be registered on 20.06.2023 on the complaint given by a neighbour of the petitioner and the dispute appears to be purely private between the petitioner and his neighbour



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over a pathway. The order of suspension is unwarranted as the alleged involvement of the petitioner in the criminal case is no way connected with the official duties of the petitioner. Hence, this writ petition.

3. Heard both sides and also perused the records carefully.

4. The FIR in question was registered against the petitioner following a dispute with a neighbour over a pathway issue which is not connected with his official duties. Considering the above, this court is of the view that the respondent shall consider revisiting the order of suspension in the light of the Government Order in G.O.No.81, Human Resources Management (N) Department, dated 04.08.2022. Such exercise shall be completed within a period of two months from the date of receipt of a copy of this order.

This writ petition is disposed of accordingly with the above directions.

No costs. Consequently, connected WMP is closed.

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Index : yes / no
Neutral Citation : yes / no
Speaking / Non Speaking Order
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To

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N.SATHISH KUMAR.J.,

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