



WEB COPY



WP.No.25205 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2023

CORAM

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

WP.No.25205 of 2023

R.Sarasa

.. Petitioner

Versus

1.The District Elementary Educational Officer
Cuddalore – 1

2.The Assistant Elementary Educational Officer
Kattumannarkoil

.. 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 relating to the order of the 1st respondent made in R.C.No.4326/A3/2010 dated 21.12.2010 to quash the same and to consequently direct the respondents to forthwith reinstate the petitioner with all service benefits.

For Petitioner : Mr.L.Chandrakumar
For Respondents : Mr.S.Jayachandran
Government Advocate

ORDER

This writ petition has been filed challenging the suspension order dated 21.12.2010 and consequently direct the respondents to forthwith reinstate the petitioner with all service benefits.



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2. The charge against the petitioner relate to the counselling conducted for allotting posts in respect of candidates selected by the TRB, Salem, wherein, one Madhiazhagan, who was a graduate teacher in Science, deputed one Selvanathan as a proxy and the petitioner entertained the said Selvanathan, whose address not known, for participating in the counselling and also to take charge in the post without any photo identity card which was also not brought to the notice of the higher authorities. Though the Suspension Order does not speak about the nature of the charge, it is the contention of the learned counsel for the petitioner that the suspension order was challenged in the earlier occasion before this Court in W.P.No.29915 of 2010 and the same was dismissed vide Order dated 21.12.2010. However, even after dismissal, the enquiry proceedings has not been concluded and the suspension is also not revisited.

3. Mr.S.Jayachandran, learned Government Advocate takes notice for the respondents and submitted that since the criminal case is pending, the enquiry could not be completed. Further, submits that they will conclude the enquiry within a short period, if this Court directs the respondent.



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4. This Court is of the view that mere pendency of the criminal case, that cannot be a ground to prolong the suspension and further, there is no bar under law to conduct the disciplinary proceedings despite the pendency of the criminal case. Such view of the matter, continuing the suspension for more than 17 years and paying the subsistence allowance without extracting any work will be a loss to the Government exchequer.

5. Accordingly, the suspension order stands quashed and the respondents are directed to proceed with enquiry and complete the enquiry within a period of four months from the date of receipt of a copy of this Order.

6. In view of the above, this writ petition stands disposed of. No costs.

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dhk

Index: Yes/No

Internet: Yes/No

Neutral Citation: Yes/No



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N.SATHISH KUMAR, J.

dhk

To

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Cuddalore – 1

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