



W.P(MD)No.10494 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.04.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.10494 of 2023

and

W.M.P(MD)No.9326 of 2023

A.Shahul Hameed

... Petitioner

Vs

The Managing Director,
Tamil Nadu Water Supply and Drainage Board,
31, Kamarajar Salai Complex,
Chennai – 5.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent / the Managing Director, TWAD Board, Chennai, to pass orders on the petitioner's representation dated 02.03.2023 and review and revoke the order made in Proc. No.1056/Estt.(DP)/A2/2021 dated 02.09.2021 and restore the petitioner as Assistant Engineer, Tamil Nadu Water Supply and Drainage Board, Maintenance Sub-Division, Tiruchendur (R), Thoothukudi District, now Project-cum-Maintenance Division, Tenkasi or post the petitioner in any equivalent non-sensitive post pending finalization of Criminal Proceeding or Disciplinary Proceeding if any within such time as this Court.



W.P(MD)No.10494 of 2023

For Petitioner : Mr.M.Joseph Thatheus Jerome
For Respondent : Mr.R.Satheesh
Standing Counsel

ORDER

Heard the learned counsel on either side.

2. The writ petitioner is holding the rank of Assistant Engineer in TWAD Board. He was implicated in Crime No.1 of 2021 registered on the file of Vigilance and Anti Corruption, Thoothukudi detachment. It is not a trap case. The petitioner came to be suspended on 02.09.2021. The case of the petitioner is that even though more than 1½ years have elapsed, charge sheet has not been filed in the criminal case. The petitioner continues to be under suspension. Since it is not a trap case and it is a case of prolonged suspension the petitioner wants his suspension order to be reviewed. It is true that the petitioner had earlier challenged the suspension order in W.P(MD)No.16638 of 2021 and it was dismissed on 08.03.2022. In fact, the Registry had initially raised an objection. This being a second writ petition filed on the same cause of action, this writ petition may not maintainable. I however, overruled the objection of the Registry holding that the petitioner is not challenging the suspension order now but he is only seeking a review of the suspension order. No exception can be taken to the petitioner's request.



W.P(MD)No.10494 of 2023

3. The respondent is directed to review the suspension order passed against the petitioner. The petitioner has given a representation on 02.03.2023.

Order on merits shall be passed thereon within a period of six weeks from the date of receipt of a copy of this order.

4. This writ petition is disposed of accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

27.04.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
MGA

To

The Managing Director,
Tamil Nadu Water Supply and Drainage Board,
31, Kamarajar Salai Complex,
Chennai – 5.



WEB COPY



W.P(MD)No.10494 of 2023

G.R.SWAMINATHAN, J.

MGA

W.P(MD)No.10494 of 2023
and
W.M.P(MD)No.9326 of 2023

27.04.2023