



W.P(MD)No.10291 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 26.06.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.10291 of 2023

and

W.M.P.(MD)No.9142 of 2023

K.Thangapandiyan

... Petitioner

Vs.

1.The Divisional Engineer (Highways),
(Construction and Maintenance),
Palani, Dindigul District.

2.The Assistant Divisional Engineer (Highways),
(Construction and Maintenance),
Vedasandur, Dindigul District.

3.The Inspector of Police,
Kallimandayam Police Station,
Dindigul District.
(Crime No.43 of 2023)

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records from the 1st respondent in his proceedings Sey.Mu.Ka.No. 01/2023/A2/ dated 15.03.2023 and quash the same and



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consequently direct the respondents to reinstate the petitioner into service with continuity of service and applicable monetary benefits.

For Petitioner : Mr.N.Sathish Babu

For Respondents : Mr.T.Villavan Kothai,
Addl. Government Pleader.

ORDER

Heard the learned counsel on either side.

2.The petitioner is working as Salai Paniyalar in Highways department. He was implicated in Crime No.43 of 2023 registered on the file of Kallimandayam Police Station. The petitioner was arrested. Later, he was released on bail. Therefore, the petitioner was rightly suspended by the first respondent on 15.03.2023. The order of suspension cannot be faulted.



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3.The respondents 1 and 2 have filed counter and the learned Additional Government Pleader took me through its contents and pressed for dismissal of the writ petition.

4.I carefully considered the rival contentions and went through the materials on record. The first respondent will have to consider the petitioner's continued suspension is necessary. This is because the criminal case in which the petitioner was involved has nothing to do with the discharge of his official duties. The Hon'ble Apex Court has held in more one occasion that there has to be periodical review of the suspension of an employee.

5.I, therefore, direct the first respondent to review the petitioner's suspension and pass order on the petitioner's representation dated 30.03.2023 in the light of observation made in this order. Such an order shall be passed by the first respondent within a period of four weeks from the date of receipt of a copy of this order.



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6.This writ petition is disposed of accordingly. No costs.

Consequently, connected miscellaneous petition is closed.

26.06.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
ias

To:-

- 1.The Divisional Engineer (Highways),
(Construction and Maintenance),
Palani, Dindigul District.
- 2.The Assistant Divisional Engineer (Highways),
(Construction and Maintenance),
Vedasandur, Dindigul District.
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G.R.SWAMINATHAN, J.

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