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W.P.No.2237 of 2024

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 15.10.2024**

**CORAM :**

**THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH**

**Writ Petition No.2237 of 2024**  
**and WMP No.2434 of 2024**

M.Muthukumar  
Municipality Commissioner (Grade-II)  
S/o.Late Mylsamy  
No.13, Subbaiyan Nagar  
T.Kottampatti  
Pollachi-642 002

.... Petitioner

-Vs-

- 1.State of Tamil Nadu  
Rep.by its Secretary  
Municipal Administration  
and Water Supply Department(MAWS)  
Secretariat, Fort St.George  
Chennai 600 009.
- 2.The Director  
Director of Municipal Administration  
No.78, Urban Administrative Building  
Santhome High Road  
Chennai 600 009.
- 3.The District Collector  
Tiruppur District  
Tiruppur.
- 4.The Chairperson  
Local Compliance Committee  
Joint Director/Project Director  
Office of Magalir Thittam  
Collectorate, Tiruppur.
- 5.The District Social Welfare Officer



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District Welfare Office  
No.35, 36 District Collectors Office  
Tiruppur.

..Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari to call for the records of the 2<sup>nd</sup> respondent in ROC No.24366/2021/C2 dated 12.01.2024 and quash the same, consequently reinstate the petitioner in service.

For Petitioner : Mr.L.P.Maurya

For Respondents : Mr.C.Selvaraj  
Additional Government Pleader  
for R1 to R3

Mr.P.Balathandayutham  
Special Government Pleader  
for R4 & R5

### **ORDER**

This writ petition has been filed against the order of suspension passed by the 2<sup>nd</sup> respondent dated 12.01.2024 and for a consequential direction to reinstate the petitioner into service.

2.The case of the petitioner is that he was working as a Municipal Commissioner [Grade-II] at Kangeyam Municipality. The petitioner suspended the Domestic Breed Checkers, who were illegally appointed. As a counter blast, they gave a sexual harassment complaint against the petitioner. Pursuant to this complaint, a



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charge memo came to be issued against the petitioner on 11.11.2021 by the 1<sup>st</sup> respondent. This charge memo was challenged by the petitioner by filing WP.No.28785 of 2022, on the ground that the authority lacked jurisdiction. The same was quashed by this Court by an order dated 21.06.2023.

3.The petitioner was thereafter issued a summon to appear before the local complaint Committee. An enquiry was conducted and a fresh charge memo was issued against the petitioner dated 20.01.2024. The same has been put to challenge in WP.No.18578 of 2024 and this writ petition is pending.

4.The 2<sup>nd</sup> respondent also issued suspension order dated 12.01.2024, suspending the petitioner from service. The same has been put to challenge in the present writ petition.

5.The 2<sup>nd</sup> respondent has filed a counter. The 2<sup>nd</sup> respondent has taken a stand that a local complaint Committee was constituted as per Section 6 of the Sexual Harassment of Women at Work Place Act, 2013 and this Committee conducted an enquiry on 29.08.2022 and the enquiry report was also forwarded to the 2<sup>nd</sup> respondent. It was mentioned in the report that the DBC workers were sexually harassed. Therefore, proceedings have been initiated against the petitioner under Rule\_17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, 1955. The petitioner was also placed under suspension considering the seriousness of the



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charges. The 2<sup>nd</sup> respondent has justified the petitioner being kept under suspension considering the charge and has also taken a stand that the suspension order has been passed by the Competent Authority on valid grounds and that the same does not require the interference of this Court. Accordingly, the 2<sup>nd</sup> respondent has sought for the dismissal of this writ petition.

6. When the matter came up for hearing on 01.10.2024, this Court passed the following order:

The learned counsel for the petitioner submitted that the suspension order came to be issued based on the complaints given against the petitioner, which resulted in the registration of the first information reports.

2. The first information reports that were registered against the petitioner in Crime Nos.4, 5 and 6 of 2022 on the file of the Inspector of Police, Kangeyam All Women Police Station, Tiruppur were quashed by a learned Single Judge of this Court in CrI.O.P.Nos.9735 to 9737 of 2022 by a common order dated 21.2.2024.

3. In view of the same, it is submitted that the suspension order itself cannot be sustained.

4. The learned Government Advocate appearing for the respondents shall take instructions in this regard.

5. Post on 15.10.2024 under the caption 'for orders'.

7. Heard Mr.L.P.Maurya, learned counsel for the petitioner, Mr.C.Selvaraj, learned Additional Government Pleader for R1 to R3 and Mr.P.Balathandayutham, learned



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Special Government Pleader for R4 & R5.

8.The short issue that arises for consideration in the present writ petition is as to whether the order of suspension passed against the petitioner has to be continued after the above development that has taken place whereby on the same set of facts, criminal proceedings were initiated and all the FIRs came to be quashed by this Court by order dated 21.02.2024, by holding that the complaint given against the petitioner is false and it has been given only to wreak vengeance and it is an abuse of process of law.

9.There is no dispute with regard to the fact that the 2<sup>nd</sup> respondent is competent to place the petitioner under suspension. When the suspension order was passed, an allegation was made against the petitioner, as if, he has sexually harassed the DBC workers. However, this Court on going through the materials found that the criminal proceedings initiated against the petitioner is an abuse of process of law and that a false complaint has been given against the petitioner to wreak vengeance. In the light of this finding given by this Court in the quash petitions, there is no justification to continue with the order of suspension passed against the petitioner.

10.In the light of the above discussion, this Court is inclined to interfere with the order of suspension passed against the petitioner by the 2<sup>nd</sup> respondent in ROC No.24366/2021/C2 dated 12.01.2024 and the same is hereby quashed. As a



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consequence, there shall be a direction to the 2<sup>nd</sup> respondent to reinstate the petitioner into service with all attendant benefits by passing necessary orders forthwith.

11.It is made clear that the petitioner has filed another writ petition challenging the charge memo and the same is pending in WP.No.18578 of 2024. The grounds that has been raised in that writ petition can be independently gone into and this Court intentionally did not go into that issue in this writ petition.

12.In the result, this writ petition is allowed in the above terms. No costs. Consequently, connected miscellaneous petition is closed.

**15.10.2024**

Index : Yes/No  
NCS : Yes/No  
KP

To

1.The Secretary  
State of Tamil Nadu



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and Water Supply Department(MAWS)  
Secretariat, Fort St.George  
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2.The Director  
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**N.ANAND VENKATESH, J.**

KP



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