



WEB COPY



W.P.No.3459 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.3459 of 2024

R.Prabakaran

... Petitioner

-Vs-

The Conservator of Forests,
Vellore Circle,
Vellore-9.

... Respondent

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondent to consider the petitioner's representation dated 11.09.2023 seeking to Review of Suspension Order dated 17.04.2023 in Proc.No.E3/3842/2023 on merits within the time limit fixed by this Hon'ble Court.

For Petitioner : Mr.L.Mouli

For Respondent : Mrs.S.Anitha
Special Government Pleader

ORDER

This writ petition has been filed for direction directing the respondent to consider the petitioner's representation dated 11.09.2023 seeking to Review of Suspension Order dated 17.04.2023 in Proc.No.E3/3842/2023 on merits within the time limit fixed by this Hon'ble Court.



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2. Heard the learned counsel on either side and perused the materials

available on record.

3. The petitioner's father, while he was working as Forest Watcher, died on 27.12.2008. Thereafter, the petitioner was appointed as Junior Assistant on compassionate ground, in the respondent's Department, on 11.05.2022. While being so, on the complaint lodged against the petitioner before the Inspector of Police, All Women Police Station, Polur, Thiruvannamalai District, alleging that on the pretext of marriage, the petitioner had sexual intercourse with the complainant one Sakthi and thereafter, refused to marry her, the petitioner was arrested and remanded to judicial custody on 13.04.2023 and FIR was registered in Crime No.5 of 2023 for the offences punishable under Sections 417, 376(2)(n), 294(b) and 506(i) of IPC. Thereafter, he was released on bail, on 22.05.2023. Pursuant to registration of FIR, the petitioner was suspended from service on 17.04.2023 and he was also served with a charge memo on 28.08.2023. In the meanwhile, the petitioner submitted representation to revoke the suspension and seeks reinstatement into service.

4. On written instructions, the learned Special Government Pleader



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appearing for the respondents submitted that pursuant to the registration of FIR, the petitioner was arrested and remanded to judicial custody. Therefore, he was placed under deemed suspension by the proceedings dated 17.04.2023, from the date of his arrest. Thereafter, the petitioner was absent to duty quoting false reasons. Therefore, the charge memo was framed under Section 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, against the petitioner and the same was served on him. After receipt of the explanation from the petitioner, the Enquiry Officer was appointed to conduct enquiry. Since the criminal case is pending for investigation, the request made by the petitioner to revisit the order of suspension cannot be considered.

5. In view of the above, the writ petition is devoid of merits and is liable to be dismissed. Accordingly, this writ petition stands dismissed. There shall be no order as to costs.

15.02.2024

Internet: Yes
Index : Yes/No
Speaking/Non Speaking order
mn

G.K.ILANTHIRAIYAN. J.

mn



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To

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Vellore Circle,
Vellore-9.

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