



WEB COPY



W.P.No. 3508 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2024

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.3508 of 2024

C.Loganathan

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Petitioner

Vs

1. The District Collector,
Ranipet District.

2. The Municipal Commissioner,
Ranipet Municipality,
Municipal Office,
No.1, Railway Station Road,
Ranipet – 632 401.

3. The Sanitary Inspector,
Ranipet Municipality,
Ranipet District – 632 401.

4. The Chairman,
Ranipet Municipality,
Ranipet – 632 401.

5. The State
Rep by Inspector of Police,
Arcot Police Station,
Ranipet District.

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Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India



W.P.No. 3508 of 2024

praying to issue a Writ of Certiorarified Mandamus, to call for records of the second respondent in Na.Ka.No.1392/2023/H1, dated 04.10.2023 and quash the same and direct the second respondent to revoke the order of suspension and reinstate the petitioner back in service.

For Petitioner : Mr.L.Ramkumar

For Respondents : Mrs.R.L.Karthika
Government Advocate

ORDER

This Writ Petition has been filed challenging the order of suspension dated 04.10.2023.

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

3. The petitioner was working as Sweeper in Ranipet Municipality. There were a land dispute between the petitioner and the neighbour, who is none other than his elder brother's son, with regard to land. In this regard, on 03.09.2023, there was a quarrel between them. The counter party lodged a complaint as against the petitioner and two others. On receipt of the same, the fifth respondent registered an FIR in Crime No.



W.P.No. 3508 of 2024

397 of 2023 for the offences under Sections 294(b), 323, 324 and 506(ii) of IPC, which was subsequently altered into one under Sections 294(b), 323, 324, 506(ii and 307 of IPC.

4. Pursuant to the registration of the FIR, the petitioner was arrested and remanded to judicial custody on 23.09.2023. Subsequently, he released on bail on 12.10.2023. Since the petitioner was arrested, he was deemed to have been suspended from the date of his arrest, by a communication dated 04.10.2023. According to the petitioner, so far he was not paid any subsistence allowance. However, the order of suspension should not be extended beyond a period of three months, if within this period, a memorandum of charge was not delivered on the officials. Admittedly, the petitioner was not served with any charge memo so far. Further, the fifth respondent did not complete the investigation and did not file any final report so far.

5. Considering the facts and circumstances of the case, the second respondent is directed to re-visit the order of suspension dated 04.10.2023 and pass appropriate orders to reinstate the petitioner into service on merits



W.P.No. 3508 of 2024

and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is disposed of. No costs.

16.02.2024

Index: Yes/No
Speaking Order: Yes
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To

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No.1, Railway Station Road,
Ranipet – 632 401.
3. The Sanitary Inspector,
Ranipet Municipality,
Ranipet District – 632 401.
4. The Chairman,
Ranipet Municipality,
Ranipet – 632 401.
5. The Inspector of Police,
Arcot Police Station,

4/6



W.P.No. 3508 of 2024

Ranipet District.

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G.K.ILANTHIRAIYAN, J.

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WEB COPY



W.P.No. 3508 of 2024

W.P.No.3508 of 2024

16.02.2024