



W.P.No.28996 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

W.P.No.28996 of 2011

and

M.P.No.1 of 2011

M.Narasimhan

...Petitioner

Vs

State by

1.The Commissioner,
R.K.Pet Panchayat Union,
Pallipet Taluk,
Thiruvallur District.

2.The District Collector,
Thiruvallur, Thiruvallur District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for records of the 1st respondent impugned order Na.Ka.No.1030/2009/A5 dated 08.04.2009 and quash the same.

For Petitioner : Mr.C.Chokkalingam

For Respondent : Mr.D.Gopal, Additional Government Pleader



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ORDER

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The Writ Petition is filed calling for records of the 1st respondent impugned order Na.Ka.No.1030/2009/A5 dated 08.04.2009 and quash the same.

2.The case of the petitioner is that petitioner was appointed as Midday Meal Organizer at Nagakuppam Village School. Subsequently, he was transferred to Iyeneri Panchayat Union School on 25.07.1983. He was suspended by the 1st respondent by Na.Ka.No.1030/2009/A5 dated 08.04.2009 stating that first information report was registered against him and he was remanded to judicial custody. He sent his leave letter to the 1st respondent on 31.03.2009 itself and reported to duty on 04.04.2009. However, he was not permitted to join duty saying that, he was terminated from service.

3.The main grievance of the petitioner is that after suspension of the petitioner, not even a show cause notice was issued, no disciplinary proceedings was conducted. He was kept in suspension for a long time till he reached the age of superannuation.

4.When enquired, learned Government Advocate, on instructions, stated



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that after the petitioner was suspended on 08.04.2009, no disciplinary proceedings was initiated against him.

5.Considered the rival submissions and perused the records.

6.The order of suspension against the petitioner was passed on 08.04.2009. It appears that, it was not followed by any issuance of show cause notice and disciplinary proceedings. The suspension continued till his retirement on 08.02.2011. Keeping the suspension for a long time, without any disciplinary proceedings is against service jurisprudence.

7.Therefore, this Court sets aside the impugned order Na.Ka.No.1030/2009/A5 dated 08.04.2009 passed by the 1st respondent and directs the respondents to treat the petitioner period of suspension from 08.04.2009 till his date of retirement as duty period and provide him all necessary service and attendant monetary benefits within a period of three months from the date of receipt of a copy of this order.

G.CHANDRASEKHARAN, J.



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8. With the above direction, this Writ Petition is allowed. Consequently, the connected Miscellaneous Petition is closed. No costs.

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Index: Yes/No

Speaking order/Non-speaking order

gd

To

1. The Commissioner,
R.K. Pet Panchayat Union,
Pallipet Taluk,
Thiruvallur District.

2. The District Collector,
Thiruvallur, Thiruvallur District.

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