



Writ Petition No.5529 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.08.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.5529 of 2023

S.Prabhu

S/o.M.Sundaram

... Petitioner

Vs.

1.The Vice Chancellor,
Annamalai University.

2.The Registrar,
Annamalai University,
Annamalai Nagar,
Chidambaram.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus directing respondents to consider the representation of the petitioner dated 30.01.2023 seeking to reinstate the petitioner in service as Special Officer and consequently, direct the respondents to pay the subsistence allowance in accordance with law.

For Petitioner : Mr.N.Umapathi

For Respondents : Mr.S.Sithithirai Anandam
Standing Counsel



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ORDER

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This writ petition has been filed seeking issuance of a writ of mandamus directing the respondent University to consider the representation made by the petitioner dated 30.01.2023 wherein the petitioner is seeking for reinstatement into service as Special Officer and for other consequential reliefs.

2. The case of the petitioner is that he was appointed as a Special Officer during the year 2008. The second respondent, through proceedings dated 09.04.2015, placed the petitioner under suspension in the light of the petitioner being arrested and remanded to judicial custody for more than 48 hours in a criminal case in Crime No.99 of 2015.

3. The petitioner was placed under prolonged suspension and therefore, the petitioner approached this Court and filed W.P.No.17351 of 2016 for a direction to the University to consider the request of the petitioner and to reinstate the petitioner. In the mean time, a charge memo was issued and an Enquiry Officer was appointed and the petitioner has also given his reply.



4. The writ petition filed by the petitioner was disposed of by an order dated 05.05.2016 directing the University to consider the request made by the petitioner. The University declined to consider the request made by the petitioner and rejected the request for revocation of the suspension order. Aggrieved by the same, the petitioner filed W.P.Nos.5253 and 5254 of 2017. These writ petitions were dismissed as withdrawn by an order dated 13.09.2022.

5. As the suspension of the petitioner continued even thereafter, the petitioner made a representation to the respondents on 31.01.2023. Since the same was not considered, the present writ petition has been filed before this Court.

6. The second respondent has filed a counter affidavit. In the counter affidavit, the second respondent has taken a stand that the charges against the petitioner are very serious and that a criminal case is pending against the petitioner and hence, the respondent University is not inclined to revoke the order of suspension and to reinstate the petitioner. Accordingly, the second respondent has sought for the dismissal of this writ petition.



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7. Heard Mr.N.Umapathi, learned counsel for petitioner and Mr.S.Sithithirai Anandam, learned Standing Counsel appearing for respondents.

8. The petitioner was placed under suspension through proceedings dated 09.04.2015 and the suspension was to take effect from 06.04.2015. The charge against the petitioner is that while he was working as a Special Officer, he has obtained money from the students, who have not attended the examination and provided unwritten answer papers to them and after they filled up the answers, the same was inserted with the paper bundle placed in the valuation hall. That apart, eight bundles containing more than 1000 answer papers were stolen. For the very same charge, a First Information Report has been registered in Crime No.99 of 2015. It is brought to the notice of this Court that the investigation has been completed and final report was filed before the Chief Judicial Magistrate, Cuddalore and the case is now at the stage of trial in SPCC No.2344 of 2021.

9. The main grievance expressed by the petitioner is that he has been kept under prolonged suspension from the year 2015. Therefore, the



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petitioner wants the respondent University to consider the revocation of suspension order and to place the petitioner in a non-sensitive post.

10. In the considered view of this Court, going by the nature of allegations that have been made against the petitioner and also considering the fact that a criminal case is now pending trial, it will not be appropriate to take back the petitioner into the University at this stage. The petitioner has to necessarily await for the final result in the criminal case. Hence, this Court does not find any ground to direct the respondent University to revoke the order of suspension passed against the petitioner. In any case, the earlier request made by the petitioner was rejected and the same was challenged before this Court and that writ petition was also withdrawn. It is not as if in every case where there is a prolonged suspension, the same can be interfered. It will depend upon the facts of each case and the severity of charges against the delinquent employee. In the instant case, it involves the interest of the University where certain serious charges have been made against the petitioner. Therefore, it will not be appropriate to take the petitioner back into service without the petitioner clearing himself in the criminal case.



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N.ANAND VENKATESH, J

gm

11. In the light of the above discussion, this Court does not find any ground to grant the relief sought for by the petitioner. It is made clear that the petitioner will be entitled to subsistence allowance as per rules and if there are any arrears, it shall be paid to the petitioner immediately. Till the petitioner is kept under suspension, he has to be paid the permissible subsistence allowance.

Accordingly, this writ petition is dismissed. No costs.

30.08.2024

Neutral Citation: Yes/No

Index: yes/no

Speaking Order/Non-Speaking Order

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To

1.The Vice Chancellor,
Annamalai University.

2.The Registrar,
Annamalai University,
Annamalai Nagar,
Chidambaram.

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