



W.P.No.7699 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :22.03.2024

CORAM :

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.7699 of 2024

W.M.P.No.8614 of 2024

A.Muthiah

...Petitioner

-Vs-

1.The State of of Tamil Nadu
rep. By its Financial Secretary
Finance Department
Fort St. George, Chennai – 9.

2.The Director of General of Audit
Having Office at No.6th Floor
Directorate of Local Fund Audit
Perasiriyar Anbalagan Maligai
Integrated Complex for Finance Department
Old Veterinary Hospital
Nandhanam, Chennai – 35.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the entire records relating to the impugned suspension order dated 14.07.2023 vide his proceedings in R.C.No.O.Na.1/14697/2023 passed by the 2nd respondent and quash the same as illegal in the light of G.O.(Ms).No.81 Human



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Resources Management (N) Department, dated 04.08.2022, by considering the petitioner's reply dated 24.07.2023 and consequently directing the 1st and 2nd respondent to restore his seniority and to place in the appropriate place in the next promotion list on par with his batch mates and to pass orders.

For petitioner : Mr.M.Dinesh

For respondents : Mr.U.M.Ravichandran
Special Government Pleader

ORDER

This writ petition has been filed challenging the order of suspension dated 14.07.2023 passed by the second respondent.

2. The petitioner had joined in the post of Assistant Inspector on 06.01.2010 and posted at Chennai City Audit Office. Subsequently, he was promoted to the post of Deputy Inspector and posted at Tamilnadu Khadi & Village Audit. Thereafter, he was transferred to Avadi Municipal Concurrent Audit. While being so, in pursuant to the complaint against the petitioner, he was suspended from service on 14.07.2023. In pursuant to the



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order of suspension the petitioner was served with charge memo dated 25.09.2023. Thereafter, the order of suspension was extended until further orders by an order dated 12.01.2024. The only ground raised by the petitioner is that the G.O.Ms.No.81, Human Resources Management (N) Department dated 04.08.2022, the disciplinary authorities, if for any valid reason, are not able to adhere to the time limits, should obtain specific orders of the next higher authority for grant of extension of time, explaining the circumstances under which it has not been possible to process the case within the time limit prescribed. In the case on hand, after order of suspension, the petitioner was duly served with charge memo dated 25.09.2023. However, the petitioner failed to submit his explanation or statement of defence on the charge memo. Therefore, the respondent could not able to continue the disciplinary proceedings. That apart, even if there has been any breach of such executive right, if the petitioner challenging the order of suspension on the ground of breach of right that will be considered only for prolonged suspension. Insofar as the petitioner is concerned he was suspended only on 14.07.2023 and thereafter it was extended until further orders by an order dated 12.01.2024.



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3. In view of the above, this court finds no infirmity or illegality in the order passed by 2nd respondent dated 14.07.2023. Hence, this writ petition is dismissed. Consequently, connected miscellaneous petition is closed. No costs.

22.03.2024

Internet: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
gvn

To

1. Government of Tamil Nadu
rep. By its Financial Secretary
Finance Department
Fort St. George, Chennai – 9.

2. The Director of General of Audit
Having Office at No.6th Floor
Directorate of Local Fund Audit
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G.K.ILANTHIRAIYAN,J.
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