



WEB COPY



W.P.No.11912 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.06.2024

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.11912 of 2024
and W.M.P.No.13010 of 2024

R.Velu

.. Petitioner

Versus

1. The Director,
Department of Social Defence,
No.153, New No.300,
Purasawalkam High Road, Kellys,
Chennai - 600 010.

2. The Superintendent,
Government Special Home,
Old Bus Stand Road,
Taluk Police Station Backside,
Chengalpattu - 603 002.

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Certiorarified Mandamus calling for the records made in suspension order passed by the first respondent, dated 17.09.2021 vide No.10828/A1/2021-2 and consequently direct the 1st respondent to reinstate the petitioner into his service with effect from 17.09.2021 on the strength of G.O.(Ms).No.81, dated 04.08.2022.

For Petitioner : Mr.S.Sathish Kumar

For Respondents : Mr.P.Ganesan,
Government Advocate



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ORDER

This Writ Petition is filed challenging the order of suspension, dated 17.09.2021.

2. The petitioner is suspended from service on the allegation that he has submitted a bogus educational certificate. The petitioner was issued with a charge memorandum, dated 01.11.2021 and the petitioner submitted his explanation and is facing the charges. The Disciplinary Proceedings have not been completed. Therefore, the learned Counsel for the petitioner would submit that in view of the prolonged delay, the respondents may be directed to revoke the suspension. He would further submit that in any event, the subsistence allowance was paid only upto December, 2022 that too a consolidated amount without properly calculating the amount.

3. Per *contra*, the learned Government Advocate for the respondents would submit that on a perusal of the reply of the petitioner to the charge memorandum itself would reveal that he has almost admitted the charge and the fact that he has submitted a bogus educational certificate is writ large from the said reply.



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4. I have considered the rival submissions made on either side and perused the material records of the case.

5. Since the allegation pertains to the non-possessing of the very basic educational qualification, the petitioner is suspended from the service. The Disciplinary Proceedings are pending and therefore, at this stage, the prayer of the learned Counsel for the petitioner to revoke the suspension does not arise. As far as the payment of subsistence allowance is concerned, the learned Government Advocate would submit that the same will be duly calculated as per the rules and will be disbursed within four weeks from the date of receipt of a copy of this order.

6. In view thereof, this Writ Petition is disposed of on the following terms :-

(i) The respondents shall expedite the Disciplinary Proceedings and in any event, complete the same within four months from the date of receipt of a copy of this order;



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(ii) The respondents shall calculate the entire arrears of the subsistence allowance and shall pay the same to the petitioner within four weeks from the date of receipt of a copy of this order;

(iii) The respondents shall also continue to pay the monthly subsistence allowance until the completion of the Disciplinary Proceedings;

(iv) There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

03.06.2024

Neutral Citation : no
grs

To

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D.BHARATHA CHAKRAVARTHY, J.

grs

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