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W.P.No.15951 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.06.2024

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.15951 of 2024

A.Malar .. Petitioner

Vs.

1. The District Collector  
Vellore District.
2. The Director of Medical and Rural Health Services (ESI)  
Aynavaram, Chennai.
3. The Regional Administrative Medical Officer  
ESI Scheme, Vellore Region  
III Cross Street, Vadivel Nagar  
New Sankaranpaleyn, Vellore – 632 001.
4. The State  
Rep. by the Inspector of Police  
Thiruvallam Town Police Station  
Vellore District. .. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for a writ of certiorarified mandamus, calling for the records of the third respondent in suspension order Ref.No.975/E1/2024 dated 01.04.2024 and quash the same and consequently, direct the third respondent to reinstate the petitioner back in service.

For the Petitioner : Mr.L.Ramkumar

For the Respondents : Mr.C.Jayaprakash



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Government Advocate  
ORDER

The petitioner was suspended from service on 01.04.2024. The allegation is that there was a case pending in Crime No.120 of 2024 for the alleged offence under Sections 294(b), 323 and 324 of the Indian Penal Code, 1860, in which, the petitioner's son was the *defacto* complainant, complaining as against her daughter-in-law and the other in-laws of the son of the petitioner. In furtherance thereto, the allegation against the petitioner is that the petitioner barged into the said police station and created ruckus in the police station, thereby, preventing the personnel from carrying out their official duty and as such, a case was registered in Crime No.128 of 2024 under Section 353 of the Indian Penal Code, 1860. After the petitioner was arrested and remanded to custody pursuant to the registration of the said case, the impugned order of suspension came to be passed.

2. Learned counsel appearing on behalf of the petitioner would submit that now, two months have elapsed after the date of passing



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of the suspension order and the petitioner therefore made a representation dated 10.04.2024 to the respondents, which was received by the respondents on 15.04.2024. Therefore, he prays that the respondents can consider the said representation for revocation of suspension.

3. *Mr.C.Jayaprakash*, learned Government Advocate taking notice for the respondents would submit that when the petitioner has been remanded to custody, and was under custody for more than 48 hours, the impugned order of suspension has been rightly passed. As far as the prayer for revocation is concerned, the same will be duly considered by them when the matter comes up for review.

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

5. Firstly, the allegations against the petitioner in Crime No.128 of 2024 is noted. It is further to be noted that the same



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does not relate to the service of the petitioner. In that background, when now, almost three months is going to be lapsed after the passing of the suspension order, the respondents are directed to take up the exercise of review of suspension and while reviewing, the representation of the petitioner, which is said to have been sent on 10.04.2024, can also be taken into consideration and the respondents can review the suspension of the petitioner on its own merits and in accordance with the law and pass final orders as expeditiously as possible, in any event, not later than eight weeks from the date of receipt of a copy of this order.

6. The writ petition, accordingly, stands disposed of. There shall be no order as to costs.

20.06.2024

Neutral Citation : Yes/No

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To:

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D.BHARATHA CHAKRAVARTHY,J.

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