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W.P.No.18227 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.07.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.18227 of 2024 and
WMP.No.20012 of 2024

B.Swamynathan

... Petitioner

Vs.

The Registrar(in-charge),
Annamalai University,
Annamalai Nagar 608 002,
Chidambaram,
Cuddalore District

... Respondent

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order of the respondent made in his proceedings in No.Estt./C1-9/14630/2017 dated 21.06.2024 and to quash the same and direct the respondent to reinstate the petitioner in service with all consequential and monetary benefits.

For Petitioner : Mr.A.S.Kaizer

For Respondent : Mr.Gautam S.Raman,
Standing Counsel



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ORDER

This writ petition has been filed challenging the order of suspension dated 21.06.2024 issued by the respondent.

2. The petitioner was appointed as Special Officer in the respondent University and posted at Directorate of Distant Education Study Centre at Thiruvavarur. Thereafter, the petitioner's probation was declared successful and confirmed his service. Finally, the petitioner was transferred from Legal Section to DDE Study Centre at Panruti and also ordered to work in the Office of the Dean, Faculty of Agriculture instead of DDE Study Centre at Panruti. While being so, the petitioner was wilfully absent for duty at the time of essential work and he had abstained from coming to office when he was instructed to distribute the certificates to students. Further, he is chronic alcoholic and comes to office daily in inebriated condition. Therefore, the petitioner was suspended from service by an order dated 21.06.2024.



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3. The learned counsel for the petitioner would submit that from the date of joining, the petitioner has unblemished service records. On the particular day i.e. from 27.05.2024 to 30.05.2024, the petitioner applied for earned leave and he went to native place. Immediately through phone, the petitioner was called for distribution of certificates and he rushed to the Office and cancelled the leave application for one day. Therefore, there is absolutely no prima facie case made out for suspending the petitioner.

4. The learned Standing Counsel appearing for the respondent also submitted that only on serious allegations, the petitioner has now been placed under suspension. The grounds raised by the petitioner can be considered only during the enquiry. Therefore, it is premature to challenge the order of suspension.

5. On perusal of records, the reasons stated in the order of suspension are serious in nature. The petitioner is chronic alcoholic and comes to office daily in inebriated condition. Therefore, this Court finds



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no infirmity or illegality in the order of suspension. As such, this writ petition is devoid of merits and liable to be dismissed.

6. Accordingly, this writ petition is dismissed. However, the respondent is directed to complete the enquiry within a period of three months from the date of receipt of copy of this order. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

03.07.2024

Neutral citation: Yes/No
Index: Yes/No
Speaking/Non-speaking order
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To
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G.K.ILANTHIRAIYAN, J.

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