



WEB COPY



W.A.No.2

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.07.2024

CORAM:

THE HON'BLE MR.D.KRISHNAKUMAR
ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

W.A.No.2190 of 2024

and

C.M.P.Nos.15484 & 15485 of 2024

M.Muthukumar

... Appellant/Petitioner

-VS-

1. State of Tamil Nadu,
Rep. by its Secretary,
Municipal Administration and
Water Supply Department (MAWS),
Secretariat, Fort St.George,
Chennai-600 009.
2. The Director,
Director of Municipal Administration,
No.78, Urban Administrative Building,
Santhome High Road,
Chennai-600 009.
3. The District Collector,
Tirupur District,
Tirupur.
4. The Chairperson
Local Complaint Committee,
Joint Director/Project Director,
Office of Magalir Thittam,
Collectorate, Tirupur.
5. The District Social Welfare Officer,



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District Welfare Office,
No.35, 36 District Collectors Office,
Tirupur.

... Respondents/Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent to set aside the order made in W.M.P.No.20364 of 2024 in W.P.No.18578 of 2024 dated 05.07.2024.

For Appellant : Mr.Lourdu Paul Maurya

For R1 to R5 : Mr.Edwin Prabhakar
State Government Pleader

J U D G M E N T

(By Hon'ble Acting Chief Justice)

This Writ Appeal has been filed, challenging the interim order dated 05.07.2024 of the learned Single made in W.M.P.No.20364 of 2024 in W.P.No.18578 of 2024, which reads as follows:

“3. It is made clear that the pendency of the writ petition is not an impediment for the Disciplinary Authority to proceed with the enquiry.”

2. Heard the learned counsel for the appellant and the learned State Government Pleader appearing for the the respondents. By consent, the Writ Appeal is taken up for final disposal at the admission stage.



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3. Learned counsel for the appellant submitted that the interim order sought for in the Writ Petition had been denied by the learned Single Judge, instead the enquiry was allowed to be proceeded with, which will affect the rights of the Writ Petitioner to place material before the Writ Court at the time of hearing the Writ Petition finally.

4. Learned State Government Pleader appearing for the respondents contended that considering the gravity of the offences levelled against the appellant herein, the authority concerned had framed as much as 3 charges, though he had been acquitted from the criminal case and had decided to proceed with the departmental proceedings.

5. Under such circumstances, we hold that the departmental proceedings shall go on and the authority concerned shall not pass any final order after completion of the enquiry, till a decision is taken in the Writ Petition. Both the parties have agreed that they will put forth their respective defence before the Writ Court, once the matter is taken up for final hearing.

HON'BLE ACTING CHIEF JUSTICE
AND
K.KUMARESH BABU,J.,



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6. With the above observation and direction, this Writ Appeal is disposed

of. No costs. Consequently, connected Miscellaneous Petitions are closed.

[D.K.K.,ACJ.]

[K.B.,J.]

25.07.2024

Index: Yes / No

Speaking Order/Non Speaking Order

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To:

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State of Tamil Nadu,
Municipal Administration and Water Supply Department (MAWS),
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