



WEB COPY



Writ Petition No.23574 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.08.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.23574 of 2024

and

W.M.P.No.25783 of 2024

D.Selvan

S/o.Devaraj

... Petitioner

Vs.

1.The District Collector,
Tiruvannamalai District,
Tiruvannamalai.

2.Commissioner,
Panchayat Union,
Vembakkam,
Tiruvannamalai District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus calling for the records relating to the proceedings in Na.Ka.VaA1/1857/2024, dated 27.06.2024, passed by the second respondent herein and quash the same and consequently, direct the respondents to reinstate the petitioner in service forthwith within a time limit to be specified by this Court.

For Petitioner : Mr.M.Sasikumar

For Respondents : Mr.P.Balathandayutham
Special Government Pleader

ORDER



Writ Petition No.23574 of 2024

This writ petition has been filed challenging the order of suspension passed by the second respondent through proceedings dated 27.06.2024 and for a consequential direction to the respondents to reinstate the petitioner into service.

2. Considering the limited scope of this writ petition, the main writ petition itself is taken up for final hearing.

3. Heard Mr.M.Sasikumar, learned counsel for petitioner and Mr.P.Balathandayutham, learned Special Government Pleader appearing for respondents.

4. The case of the petitioner is that he was engaged and appointed on daily wage basis from the year 1982 and was working as Assistant in the Rural Department and Panchayat Department, Tiruvannamalai District Panchayat Unions. During the year 2006, he was brought under scale of pay and he was also regularized. His probation was also declared. The specific case of the petitioner is that at the time when his services were regularized in the year 2006, all the records were properly scrutinized including his transfer certificate and thereafter, his



services were regularized.

WEB COPY

5. The petitioner is going to retire from service on 31.07.2025.

All of a sudden, the second respondent seems to have undertaken an exercise of verifying the records submitted by the petitioner at the time when his services were regularized. In that process, a communication was sent to the Headmaster of the school regarding the genuineness of the transfer certificate given in the name of the petitioner. The present incumbent seems to have given a reply stating that such transfer certificate was not issued to the petitioner. Based on that letter, the 2nd respondent seems to have come to a conclusion that the transfer certificate is a bogus document and as a consequence, the petitioner was placed under suspension through the proceedings of the second respondent dated 27.06.2024. The same has been made a subject matter of challenge in the present writ petition.

6. In the considered view of this Court, the genuineness of documents that are submitted including the transfer certificate should be tested even at the time when a person is appointed or regularized in service. There is always a period of probation that is undergone by the



employee before his probation is declared. During that period, the documents that are submitted should be verified and its genuineness must be tested. In the case in hand, the petitioner has put in nearly 18 years of service and suddenly, during the fag end of his career, some communication has been sent to the Headmaster of the school regarding the genuineness of the transfer certificate that was submitted by the petitioner. A reply was received to the effect that such transfer certificate was not given to the petitioner. As a result, the second respondent proceeded to suspend the petitioner from service in contemplation of a departmental enquiry.

7. The petitioner is retiring from service on 31.07.2025. Therefore, it will be just and proper for the second respondent to proceed further with the enquiry and come to a conclusion within a time frame fixed by this Court. The Damocles Sword cannot be hanging over the head of the petitioner till the date of his retirement. Such orders of suspension and not permitting an employee to retire at the last moment has been repeatedly deprecated by this Court. Now that there is sufficient time to conduct enquiry and come to a conclusion and the allegation against the petitioner is not that serious to suspend him from service



Writ Petition No.23574 of 2024

pending an enquiry, this Court is inclined to interfere with the order of suspension. However, it is always left open to the respondents to proceed with the enquiry and complete the same within a time frame.

8. In the light of the above, the proceedings of the second respondent in Na.Ka.VaA1/1857/2024, dated 27.06.2024, is hereby quashed. There shall be a direction to the second respondent to complete the enquiry after issuing a charge memo to the petitioner and affording an opportunity to the petitioner, within a period of three (3) months. In any case, the second respondent has to take a final decision in this regard on or before 02.12.2024 and the petitioner is expected to co-operate for the completion of the enquiry within the time frame fixed by this Court.

In the result, this Writ Petition is allowed with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

16.08.2024

Neutral Citation: Yes/No

Index: yes/no, Speaking Order/Non-Speaking Order
gm



Writ Petition No.23574 of 2024

N.ANAND VENKATESH, J

gm

To

- 1.The District Collector,
Tiruvannamalai District,
Tiruvannamalai.
- 2.The Commissioner,
Panchayat Union,
Vembakkam,
Tiruvannamalai District.

Writ Petition No.23574 of 2024

16.08.2024