



WEB COPY



W.A.No.187 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2024

CORAM :

**THE HONOURABLE MR. JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE K.KUMARESH BABU**

**W.A.No.187 of 2021
and C.M.P.No.857 of 2021**

1.The Deputy Inspector General of Prisons
Chennai Range, Central Prisons
Puzhal, Chennai 600 066.

2.The Superintendent of Prisons
Central Prison, Puzhal
Chennai 600 066.

3.The Deputy Superintendent of Police
Vigilance and Anti Corruption
Chennai City-I, Detachment
Chennai - 600 028.

... Appellants

-Vs-

K.Solomon
Grade II Warder (Under Suspension)
No.68, Puzhal Central Jail Quarters
Central Prison, Puzhal, Chennai.

... Respondent

Prayer : Writ Appeal under Clause 15 of the Letters Patent against the order in
W.P.No.34511 of 2018 dated 04.04.2019.

For Appellants	:	Mr.K.V.Sajeev Kumar Special Government Pleader
For Respondent	:	Mr.K.Balu



W.A.No.187 of 2021

J U D G M E N T

(Judgment of the Court was delivered by **R.SURESH KUMAR, J.**)

This writ appeal has been directed against the order passed by the writ Court dated 04.04.2019 made in W.P.No.34511 of 2018. In the said writ petition, the order of suspension dated 02.08.2008 was under challenge. The learned Judge, having considered the factual situation as well as the relative merits of the case, ultimately was pleased to set aside the order of suspension and directed the respondents therein, who are the appellants herein, to reinstate the writ petitioner in service and a further direction was given by the learned Judge that the writ petitioner can be posted in any non-sensitive post till the conclusion of the disciplinary proceedings as well as the criminal case registered against the writ petitioner.

2. Though the suspension order was passed on 02.08.2008 and the writ petition was ordered on 04.04.2019, even today the appellants are not able to complete the enquiry initiated under the disciplinary proceedings and it seems that the criminal case also is yet to be over. By virtue of the order which is impugned passed by the writ court, the writ petitioner can be posted in any non-sensitive post, where some work can be extracted from him. Instead, if the suspension continues he would be entitled to get 75% of his salary as subsistence allowance, which is a mere waste from the exchequer being payable to the writ petitioner / suspended employee without extracting any work.



W.A.No.187 of 2021

WEB COPY

3. Therefore, we do not find absolutely any reason to interfere with the direction given by the learned Judge through the impugned order. Hence, the writ appeal fails, it is liable to be dismissed and is accordingly dismissed. However, it is made clear that, so far if the writ petitioner has not been reinstated because of the pendency of this writ appeal, he should immediately be reinstated and be posted in any non-sensitive post and it is open for the appellants to complete the disciplinary proceedings already initiated against him within a period of six months from the date of receipt of a copy of this order. Accordingly, depending upon the result of the disciplinary proceedings, the further course of action can be taken by the competent authority.

4. With the above observations and directions, the writ appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(R.S.K.,J.) (K.B.,J.)
12.01.2024

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W.A.No.187 of 2021

R.SURESH KUMAR, J.
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K.KUMARESH BABU, J.

KST

W.A.No.187 of 2021

12.01.2024