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W.P.No.25818 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.09.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.25818 of 2024
and W.M.P.No.28190 of 2024

S.Venkatesan

.. Petitioner

Vs.

1.The District Collector,
Tiruvannamalai District,
Tiruvannamalai.

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

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the proceeding in Na.Ka.No.Va.a1/2457/2021 dated 26.06.2024, passed by the 2nd respondent herein, quash the same and consequently direct the respondent to reinstate the petitioner in service forthwith within a time limited to be specified by this Court.

For petitioner : Mr.M.Sasikumar

For R1 : Mr.P.Balathandayutham
Special Government Pleader

For R2 : Mr.A.Selvendran
Special Government Pleader



ORDER

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This writ petition has been filed challenging the proceedings of the 2nd respondent dated 26.06.2024, wherein the petitioner was suspended from service and for a consequential direction to the 1st respondent to reinstate the petitioner into service.

2. Heard the learned counsel for the petitioner, learned Special Government Pleader for the 1st respondent and the learned Special Government Pleader for the 2nd respondent.

3. The case of the petitioner is that he was appointed in the year 1984 as a Ward Boy in a village hospital by the 2nd respondent Panchayat Union. The appointment of the petitioner was on compassionate ground. The petitioner was brought under scale of pay and regularized with effect from 01.02.1984. Thereafter, the petitioner was working as a Office Assistant. The date of superannuation of the petitioner falls on 14.01.2026.

4. The grievance of the petitioner is that all of a sudden, the 2nd respondent through proceedings dated 26.06.2024, suspended the



petitioner from service on the ground that the transfer certificate that was furnished by the petitioner at the time of joining the service was found to be a bogus document. Challenging the suspension order, the present writ petition has been filed before this Court.

5.This Court had an occasion to deal with a similar issue in W.P.No.23574 of 2024 which was disposed of by order dated 16.08.2024. This Court took into consideration the pattern that has set in where disciplinary proceedings are initiated at the fag end of the service of a Government servant. That was also a case where the transfer certificate submitted by the petitioner therein was doubted. Based on the same, suspension order was passed. This Court quashed the order of suspension and directed the concerned disciplinary authority to issue a charge memo and proceed further in accordance with law and complete the inquiry within a time frame.

6.In the case in hand, the petitioner had entered into service in the year 1984. He is due to retire on 14.01.2026. Whenever the government servant enters service, the documents that are submitted by him is expected to be scrutinized before his probation is declared. After



allowing the government servant to work for a long period of time, suddenly action is initiated during the fag end of the service on the ground that the transfer certificate that was given by the petitioner in the year 1984 was found not to be genuine. If really the transfer certificate submitted by the petitioner is going to be put under scrutiny, it is not necessary to suspend the petitioner for that purpose. A charge memo can always be issued to the petitioner and the petitioner can be given an opportunity and the disciplinary proceedings can be concluded within a time frame. Instead, no useful purpose will be served by suspending the petitioner who is going to retire on 14.01.2026.

7.In the light of the above discussion, the proceedings of the 2nd respondent dated 26.06.2024 is hereby quashed. If the 2nd respondent is intended to initiate any departmental proceedings against the petitioner on the ground of submitting a bogus certificate, it is left open to the 2nd respondent to start the proceedings and give sufficient opportunity to the petitioner and complete the same within a period of three (3) months. In any case, the 2nd respondent shall take a final decision in this regard on or before 31.12.2024. The petitioner is also expected to cooperate for the completion of the inquiry within the time frame fixed by this Court.



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8. Accordingly, this Writ Petition stands allowed in the above terms. Consequently, the connected Miscellaneous Petition is closed. No costs.

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Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No

To

1. The District Collector,
Tiruvannamalai District,
Tiruvannamalai.

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



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N.ANAND VENKATESH, J.

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