

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2024

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.26678 of 2024
and W.M.P.No.29201 & 29202 of 2024

R.Prabakaran

... Petitioner

Vs.

1.The Principal Chief Conservator of Forests,
(Head of Department)
Forest Head Quarters,
Velachery – Guindy Main Road,
Guindy, Chennai – 600 032.

2.The Conservator of Forests,
Vellore Circle,
Archaeological Road,
Vellore – 9, Vellore District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records of the impugned proceedings bearing Proc.No. 3/3842/2023 dated 17.04.2023 on the file of the 2nd respondent and quash the same as illegal, against natural justice and well established law and direct the respondents to reinstate the petitioner in service.

For Petitioner : Mr.V.R.Appaswamee

For Respondents : Mr.C.Selvaraj
Additional Government Pleader

ORDER

This writ petition has been filed challenging the proceedings of the 2nd respondent dated 17.04.2023, whereby, the petitioner was kept under suspension.

2.Heard Mr.V.R.Appaswamee, learned counsel appearing on behalf of the petitioner and Mr.C.Selvaraj, learned Additional Government Pleader appearing on behalf of the respondents.

3.The case of the petitioner is that he was working as Junior Assistant and an FIR came to be registered in Crime No.5 of 2023, wherein, the petitioner was arrayed as an accused. The petitioner was arrested and remanded to judicial custody. Based on the same, the suspension order came to be issued by the 2nd respondent dated 17.04.2023. The same has been made a subject matter of challenge in the present writ petition.

4.The further case of the petitioner is that the investigation has been completed and final report has also been filed before the Trial Court which has been taken on file in S.C.No.118 of 2023. This final report was made a subject matter of challenge before this

Court in Crl.O.P.No.4129 of 2024 and this Court has entertained the quash petition and granted an order of interim stay of the proceedings. The petitioner also made a representation dated 19.03.2024 to the 2nd respondent requesting the 2nd respondent to revoke the order of suspension. The 2nd respondent has also issued proceedings dated 31.05.2024, whereby, the departmental proceedings has been kept in abeyance. It is under these circumstances, the present writ petition has been filed before this Court.

5.In the considered view of this Court, the suspension order came to be passed on 17.04.2023, based on the criminal case. The criminal case has now been stayed by this Court in the quash petition filed in Crl.O.P.No.4129 of 2024. Subsequently, the 2nd respondent has issued proceedings dated 31.05.2024 and thereby, the enquiry report has been kept in abeyance. In view of the same, no useful purpose will be served in continuing the suspension of the petitioner.

6.In view of the above, there shall be a direction to the 2nd respondent to deal with the representation made by the petitioner on 19.03.2024 and pass appropriate orders, within a period of four weeks from the date of receipt of copy of this order with respect to the revocation of the order of suspension of the petitioner.

N. ANAND VENKATESH, J.

SSR

7.The petitioner is directed to make a fresh representation to the 2nd respondent and also a copy of this order.

8.This writ petition is disposed of with the above directions. No Costs. Consequently, connected miscellaneous petitions are closed.

12.09.2024

Internet : Yes
Index : Yes
Speaking Order / Non Speaking Order
SSR

To

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