



W.P.(MD)No.4816 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **27.06.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.4816 of 2024

and

W.M.P(MD)Nos.4618 & 4619 of 2023

Irulan

... Petitioner

Vs.

The Commissioner,
Shengottai Municipality,
Tenkasi
District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus to call for the records pertaining to the order of the respondent by his proceedings in Roc. No.C1/699/2023 dated 22.08.2023 and quash the same as illegal, consequently to direct the respondent to



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re-instate the petitioner into service by considering the petitioners representation dated 24.02.2024.

For Petitioner : Mr.T.Lenin Kumar
For Respondent : Mr.M.Saravana Kumar
Standing Counsel

ORDER

The petitioner has filed this writ petition seeking for a Writ of Certiorarified Mandamus to quash the Impugned Order of the respondent by his proceedings in Roc. No.C1/699/2023 dated 22.08.2023 and quash the same as illegal, consequently to direct the respondent to re-instate the petitioner into service by considering the petitioners representation dated 24.02.2024

2. Heard Mr.T.Lenin Kumar, learned counsel for the petitioner and Mr.M.Saravana Kumar, learned Standing Counsel appearing for the respondent.



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3. The petitioner, who has been kept under suspension on 22.08.2023, has filed this writ petition seeking to reinstate him in view of the long suspension and in the absence of any revision.

4. The learned Standing Counsel for the respondent Municipality submitted that several FIRs have been registered against the petitioner on the various complaints made by the third parties that the petitioner has involved in a job-racketing cases. It could have been appreciated if the respondent had passed an order by revising the earlier order of suspension. So far the petitioner has also not been given any charge sheet also.

5. In this regard it is appropriate to cite the judgment of the Hon'ble Apex Court reported in **2015 (3) CTC 119 Ajaykumar Chowdry Vs Union of India and Others**, wherein, it is held as under :

“8. Suspension, specially preceding the formulation of charges, is essentially transitory or



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temporary in nature, and must perforce be of short duration. If it is for an indeterminate period or if its renewal is not based on sound reasoning contemporaneously available on the record, this would render it punitive in nature. Departmental/disciplinary proceedings invariably commence with delay, are plagued with procrastination prior and post the drawing up of the memorandum of charges, and eventually culminate after even longer delay.

9. Protracted periods of suspension, repeated renewal thereof, have regrettably become the norm and not the exception that they ought to be. The suspended person suffering the ignominy of insinuations, the scorn of society and the derision of his department, has to endure this excruciation even before he is formally charged with some misdemeanour, indiscretion or offence. His torment is his knowledge that if and when charged, it will inexorably take an inordinate time for the inquisition or inquiry to come to its culmination, that is, to determine his innocence or iniquity. Much too often this has now become an accompaniment to retirement. Indubitably, the sophist will nimbly counter that our Constitution does not explicitly guarantee either the right to a speedy trial even to the



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incarcerated, or assume the presumption of innocence to the accused. But we must remember that both these factors are legal ground norms, are inextricable tenets of Common Law Jurisprudence, antedating even the Magna Carta of 1215, which assures that — “We will sell to no man, we will not deny or defer to any man either justice or right.” In similar vein the Sixth Amendment to the Constitution of the United States of America guarantees that in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial. ”

6. The above decision is squarely applicable to the case on hand.

7. In view of the same, the Writ Petition is **disposed of** with a direction to the respondent to consider the representation of the petitioner, dated 24.02.2024 for revoking the suspension of the petitioner and pass appropriate orders in accordance with the dictum laid down by the Hon'ble Supreme Court in the matter of suspension within a period of two weeks from the date of receipt of



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a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

27.06.2024

Index : Yes / No
Internet : Yes / No
NCC : Yes / No

RM

To

The Commissioner,
Shengottai Municipality,
Tenkasi
District.



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R.N.MANJULA, J.

RM

Order made in
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