



W.P.(MD)No.17170 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.07.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.17170 of 2024

R.Manikandan

... Petitioner

vs.

1.The Director,
Survey and Settlement,
Survey House,
Chepauk, Ezhilagam,
Chennai - 600 005.

2.The Assistant Director and P.A. to Collector,
Survey and Land Records,
Collectorate Building,
Theni District - 625 561.

... 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 in connection with the impugned suspension order in Roc.A4/2474/2023 dated 31.05.2023 passed by the second respondent and quash the same and consequently direct the respondents to reinstate the petitioner in service within a time frame.



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For Petitioner : Mr.S.Titus
For Respondents : Mr.J.Ashok
Additional Government Pleader

ORDER

Heard Mr.S.Titus, learned counsel appearing for the petitioner and Mr.J.Ashok, learned Additional Government Pleader appearing for the respondents.

2. The petitioner has filed this writ petition seeking to quash the impugned suspension order of the second respondent in Roc.A4/2474/2023 dated 31.05.2023 and direct the respondents to reinstate him in service within a stipulated time.

3. The petitioner has challenged the suspension order by stating that he has been placed under suspension for a long period without revision.

4. Mr.J.Ashok, learned Additional Government Pleader appearing for the respondents submitted that a Vigilance and Anti



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Corruption case in Crime No.01/2023 is pending against the petitioner and charge sheet has also been filed in the said case.

5. Mr.S.Titus, learned counsel appearing for the petitioner submitted that despite the charge memo has been issued to the petitioner, no enquiry has been conducted so far and extension order has also not been given so far.

6. The learned Additional Government Pleader placed reliance on the Full Bench Judgment of this Court in the case of ***P.Kannan vs. 1.The Commissioner of Municipal Administration and others in W.P.Nos.2165 of 2015 and 21628 of 2018 dated 15.03.2022***, wherein it is held that when the issues involve challenge to the suspension order, it should be analysed on case to case basis keeping in mind the gravity of the charges.

7. In the instant case, the petitioner has been given with the charge memo. However, the respondents have caused the delay in



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initiating departmental enquiry. When the petitioner has submitted his explanation within time, the respondents ought to have taken some decision either to accept the explanation or to proceed further. But, so far, the respondents have not taken any decision and simply kept the petitioner under suspension. In umpteen number of cases, it has been held that the standard of proof required for disciplinary proceedings is different from that of the criminal proceedings. In such case, nothing would prevent the respondents from proceeding with disciplinary enquiry, if the respondents deem it fit to conduct the same. Without resorting to any further action, the petitioner is kept under suspension by paying subsistence allowance. If the respondents do not make any palpable progress in the disciplinary proceedings, then, there is no point in paying subsistence allowance to the petitioner without extracting work from him. Hence, it is for the respondents to take a call, consider the representation of the petitioner and pass appropriate orders within a time frame.

8. In view of the above observations, the writ petition is **disposed of** and the respondents are directed to consider the



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representation of the petitioner dated 27.05.2024 on merits and pass appropriate orders in accordance with law within a period of two weeks from the date of receipt of a copy of this order. No costs.

26.07.2024

NCC: Yes/No
Index : Yes/No
Speaking/Non-Speaking order

mbi

To

- 1.The Director,
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R.N.MANJULA, J.

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