



WEB COPY

W.P.No.365 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 07.01.2025**

CORAM

**THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR**

**W.P.No.365 of 2025**

**and**

**W.P.No.405 of 2025**

D.Mani

... Petitioner

Vs.

1.The District Collector,  
Tiruvannamalai District  
Tiruvannamalai.

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

... Respondents

**Prayer:** Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of certiorarified Mandamus calling for the records relating to the proceedings in Na.Ka.Va.A1/1468/2024 dated 15.07.2024 passed by the 2<sup>nd</sup> respondent herein, quash the same and consequently direct the respondents to reinstate the petitioner in service forthwith.

For Petitioner : Mr.M.Sasikumar

For Respondents : Mr.S.Arumugam  
Government Advocate



## **ORDER**

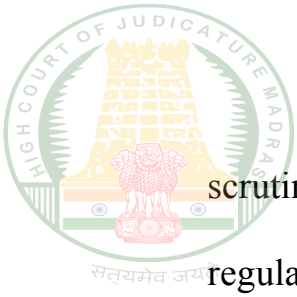
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This writ petition has been filed challenging the order of suspension passed by the second respondent through proceedings dated 15.07.2024 and for a consequential direction to the respondents to reinstate the petitioner into service.

2. Heard Mr.M.Sasikumar, learned counsel for petitioner and Mr.S.Arumugam, learned Government Advocate appearing for respondents.

3. With the consent of both parties, this writ petition is being disposed of in the admission stage.

4. The case of the petitioner is that he was engaged and appointed on daily wage basis from the year 1990 and was working as Fitter Assistants in the Rural Department and Panchayat Department, Kalasapakkam Panchayat Unions, Tiruvannamalai District. During the year 2009, he was brought under scale of pay and he was also regularized. His probation was also declared. The specific case of the petitioner is that at the time when his services were regularized in the year 2009, all the records were properly



scrutinized including his transfer certificate and thereafter, his services were regularized.

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5. When the petitioner is going to retire from service shortly, all of a sudden, the second respondent seems to have undertaken an exercise of verifying the records submitted by the petitioner at the time when his services were regularized. In that process, a communication was sent to the Headmaster of the concerned school regarding the genuineness of the transfer certificate given in the name of the petitioner. The present incumbent seems to have given a reply stating that such transfer certificate was not issued to the petitioner. Based on that letter, the 2nd respondent seems to have come to a conclusion that the transfer certificate is a bogus document and as a consequence, the petitioner was placed under suspension through the proceedings of the second respondent dated 15.07.2024. The same has been challenged in the present writ petition.

6. In the considered view of this Court, the genuineness of documents that are submitted including the transfer certificate should have been verified at the time when a person was appointed or at the time of regularization of his



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service. There is always a period of probation that is undergone by the employee before his probation is declared. During that period, the documents that are submitted should be verified and its genuineness must be tested. In the case in hand, the petitioner has put in nearly 15 years of service and suddenly, during the fag end of his career, some communication has been sent to the Headmaster of the school regarding the genuineness of the transfer certificate that was submitted by the petitioner. A reply was received to the effect that such transfer certificate was not given to the petitioner. As a result, the second respondent proceeded to suspend the petitioner from service in contemplation of a departmental enquiry.

7. Since the petitioner is retiring from service very shortly, it will be just and proper for the second respondent to proceed further with the enquiry and come to a conclusion within a time frame fixed by this Court. The Damocles Sword cannot be hanging over the head of the petitioner till the date of his retirement. Such orders of suspension and not permitting an employee to retire at the last moment has been repeatedly deprecated by this Court. Now that there is sufficient time to conduct enquiry and come to a conclusion and the allegation against the petitioner is not that serious to



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suspend him from service pending an enquiry, this Court is inclined to interfere with the order of suspension. However, it is always left open to the respondents to proceed with the enquiry and complete the same within a time frame.

8. In the light of the above, the proceedings of the second respondent in Na.Ka.Va.A1/1468/2024, dated 15.07.2024, is hereby quashed. There shall be a direction to the second respondent to complete the enquiry after issuing a charge memo to the petitioner and affording an opportunity to the petitioner, within a period of three (3) months. In any case, the second respondent has to take a final decision in this regard on or before 30.04.2025 and the petitioner is expected to co-operate for the completion of the enquiry within the time frame fixed by this Court.

9. In the result, this Writ Petition is allowed with the above direction.

No costs. Consequently, connected miscellaneous petition is closed.

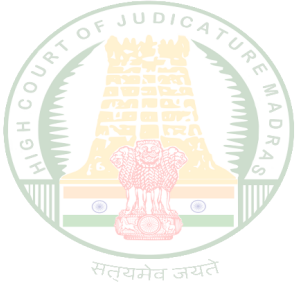
**07.01.2025**

dpa

Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No



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**MUMMINENI SUDHEER KUMAR, J.**

dpa

To

- 1.The District Collector,  
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Tiruvannamalai.
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