

THE HONOURABLE SRI JUSTICE D.RAMESH

WRIT PETITION No.3006 of 2022

ORDER:

This Writ Petition under Article 226 of the Constitution of India is filed seeking to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the order dated 18.09.2021 in placing the petitioner under suspension by the 3rd respondent as highly illegal and arbitrary.

Heard the learned counsel for the petitioner and the learned Government Pleader appearing for the respondents.

The case of the petitioner is that the petitioner is working as clerk in the 3rd respondent society having been appointed as such in the year 1994. The Chairperson of the Three Men Unofficial persons in charge committee issued *show-cause* notice dated 13.09.2021 asking the petitioner to show cause why the disciplinary action should not be taken for the allegations in the said notice. The petitioner has submitted his reply on 15.09.2021 denying the said allegations made against him. Without considering

the explanation submitted by the petitioner, the impugned orders has been passed on 18.09.2021 placing the petitioner under suspension. Questioning the same, the present Writ Petition is filed.

Learned counsel appearing for the petitioner has mainly contended that the impugned proceedings are contrary to the rules and also the observations made by the Apex Court in catena of Judgments. The respondents have placed the petitioner under suspension without mention the period. He further submits that in identical matters, the Division Bench of this Court has held that the suspension cannot be forever. As per the Apex Court Judgment, the suspension should be six(6) months or till the conclusion of the disciplinary proceedings which ever is earlier. In the instant case, they have not prescribed the period which is contrary to the observations made by the Apex Court and even lapse of more than 6 months, the respondents have not initiated any enquiry.

Considering the submissions of learned counsel for the petitioner, without going into the merits of the case, if any charges are issued against the petitioner, the 3rd respondent is directed to conclude the enquiry within a

period of two(2) months from the date of receipt of a copy of this order. If the respondents fail to conclude the enquiry within stipulated time, the impugned proceedings dated 18.09.2021 are set aside and the respondents are directed to reinstate the petitioner into service.

With the above directions, this Writ Petition is disposed of. No costs.

Miscellaneous petitions pending, if any, in this Writ Petition shall stand closed.

JUSTICE D.RAMESH

Date : 06.07.2023
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