

In the High Court of Judicature at Madras

Dated : 31/01/2002

Coram :

The Honourable Mr.Justice R.Jayasimha Babu
and

The Honourable Mr.Justice F.M.Ibrahim Kalifulla

Writ Petition No.7893 of 2001

The State of Tamilnadu,
represented by its Secretary to Government,
School Education (A2) Dept.,
Fort St.George, Chennai 9.
Petitioner

vs.

1. V.Ramani, Secretary,
Tamilnadu Text Book Corporation,
(Director of School Education
Cadre under suspension),
No.12, Parameswari Colony,
Andavar Nagar, Kodambakkam,
Chennai 600 024.

2. The Registrar,
Tamilnadu Administrative Tribunal,
Chennai 104.
Respondents

Writ Petition under Article 226 of the Constitution of
India for the issue of writ of certiorari and as stated within.

For Petitioner : Mr.S.T.S.Murthy,
Special Govt. Pleader

For Respondent 1 : Mr.A.Thirumurthi

: ORDER

(Order of the Court was made by R.Jayasimha Babu, J.)

The Tribunal has misconceived the scope of Rule 17(e) of the Tamil Nadu Civil Services (Discipline & Appeal) Rules. That Rule reads as under : 17(e) Circumstances for ordering suspension. (1) (2) A Government servant who is detained in custody whether on a criminal charge or otherwise for a period of longer than forty-eight hours shall be deemed to have been suspended under this rule. The Rule does not say that the period of suspension shall be coterminus with the period of detention. What the Rule provides is that if official is detained for 48 hours or more such detention will result in automatic suspension of the official. The period of the suspension will depend upon other circumstances.

2. In this case, the suspension was ordered at a time when the offence against the official was under investigation. The disciplinary inquiry into the charge against the petitioner is admittedly not over. The charge against the petitioner is the issuance of bogus mark sheets. The order of the Tribunal setting aside the suspension order is wholly untenable. 3. The impugned order of the Tribunal is therefore set aside. The writ petition is allowed. WMPs. No.11198 and 20588 of 2001 are closed.

(R.J.B.,J) (F.M.I.K.,J.)

31.01.2002

Index : Yes/No
mf

To

The Registrar,
Tamilnadu Administrative Tribunal,
Chennai 104.

R.Jayasimha Babu, J.

and

F.M.Ibrahim Kalifulla, J.

W.P.No.7893 of 2001
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