

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Friday, the Seventh day of May Two Thousand Twenty One

PRESENT

THE HON`BLE MR JUSTICE R. SURESH KUMAR

WP No.11753 of 2021

AND WMP.12515/2021

MR.C.D.ARUNKUMAR [PETITIONER IN BOTH THE PETITIONS]

Vs

1 THE MANAGING DIRECTOR [RESPONDENTS IN BOTH THE PETITIONS]
TAMIL NADU ADI DRAVIDAR HOUSING AND
DEVELOPMENT CORPORATION LIMITED,
NO 31, CENOTAPH ROAD 2ND LANE TEYNAMPET,
CHENNAI- 18

2 EXECUTIVE ENGINEER
TAMIL NADU ADI DRAVIDAR HOUSING AND
DEVELOPMENT CORPORATION LIMITED,
CUDDALORE SUB DIVISION, VILLUPURAM DIVISION
NO 62/56- A GOVT HOSPITAL ROAD,
VILLUPURAM DISTRICT - 605602

3 MS T.ANBU DEVAKUMARI
NO 62/56- A GOVT HOSPITAL ROAD,
VILLUPURAM DISTRICT- 605602

Writ Petitions under Article 226 of the Constitution of India
praying that in the circumstances stated therein and in the
respective affidavits filed therewith the High Court will be
pleased to issue a WRIT OF CERTIORARI

(1) Calling for the records culminating in the impugned order
proceedings no A2/678/2021 DATED 21.4.2021 passed by the 2nd
Respondent and to quash the same(in WP.No.11753 of 2021)and

(2) To Grant stay of the Operation of the Impugned order Viz.
proceedings No.A2/678/2021 DATED 21.4.2021 passed by the 2nd
Respondent(in WMP.No.12515 of 2021) Pending disposal of the Writ
Petition(in WP.No.11753 of 2021)

Order : This petition coming on this day for hearing upon
perusing the petition and the affidavit filed in support thereof
and upon hearing the arguments of Mr.P.V.BALASUBRAMANIAM, Advocate
for the petitioner, the court made the following order:-

Notice to the respondents returnable in four weeks. Private notice is also permitted.

2. In the impugned order, dated 21.04.2021, the petitioner has been placed under suspension by the second respondent. Simultaneously, on the same day, yet another proceeding was issued, where the petitioner was directed by the second respondent to make entries in M-book and submit the same on or before 30.04.2021. Two days thereafter, on 23.04.2021, the very same second respondent has passed another order stating that on two days, he did not attend office, i.e., from 21.04.2021. Therefore, this is not proper, he has stated.

3. By relying upon all these communications, including the impugned order, dated 21.04.2021, the learned counsel appearing for the petitioner makes two fold submissions. First he submits that, the second respondent is not a competent authority to place the petitioner under suspension and the competent authority is the Managing Director, i.e., the first respondent. Therefore, on the ground of jurisdiction, this impugned order of suspension can be interfered with.

4. He would also submit that the petitioner alleges malafide against the second respondent, that is why she has been named as third respondent. In order to establish such malafide, he would submit that, on the very same day, the impugned order of suspension was passed, further order has been passed stating that the petitioner has to make entries and submit the book on or before 30.04.2021, within two days i.e., on 23.04.2021, the very same second respondent issued another proceeding stating that, from 21.04.2021 the petitioner did not appear before the second respondent office.

5. These series of communications made within two days, according to the learned counsel for the petitioner, disclose the very mala fide intention on the part of the second respondent to find fault on the petitioner and to place him under suspension, for the reasons best known to her.

6. The aforesaid facts would disclose that, prima facie, that there has been some feud between the second respondent and petitioner. That apart, the counsel for the petitioner also canvass the point that, the second respondent is not a competent authority to issue the impugned order. Therefore, for want of jurisdiction, the impugned order, prima facie may not stand in the legal scrutiny.

7. For all these reasons, this Court is inclined to grant interim stay as prayed for. Post after four weeks for filing counter by the respondents.

-sd/-
07/05/2021
/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE MANAGING DIRECTOR
TAMIL NADU ADI DRAVIDAR HOUSING AND
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VILLUPURAM DISTRICT - 605602

Order

in

WP.11753/2021

and WMP.12515/2021

Date : 07/05/2021

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