

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.08.2015

CORAM:

THE HONOURABLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

W.A.No.973 of 2015
against
W.P.No. 10075 of 2015
&
M.P.No.1 of 2015

T. SelvarajaAppellant/Petitioner

vs.

1. The Principal Secretary to Government
The State of Tamil Nadu
Home Department
Fort St. George
Chennai-600 009.

2. The Director
Tamil Nadu Fire and Rescue Services
No.1, Greams Road
Chennai-600 006.

....Respondents/Respondents

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent against the order dated 08.04.2015 in W.P.No.10075 of 2015 on the file of this Court.

W.P.No. 10075 of 2015:

This Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus, to call for the records of the 1st respondent in relation to the proceedings in Home (Police-XVII) Department G.O.Ms. No.323 dated 20.5.2013 and the consequential order in Letter No.60283/Pol-17/2014-5 dated 2.3.2015 of the 1st respondent and quash the same and consequently direct the respondents to reinstate the petitioner in service with all

consequential benefits.

For Appellant : Mr.Vijay Narayan
Senior Counsel
for Mr.S.D.Venkateswaran

For Respondents : Mr.P.S. Sivashamugasundaram
Spl. Govt. Pleader

JUDGMENT

(Judgment of the Court was delivered by K.K.SASIDHARAN, J)

This intra-court appeal is directed against the order dated 8 April 2015 in W.P.No.10075 of 2015, whereby and whereunder the learned Single Judge refused to interfere with the order passed by the Principal Secretary to Government, Home Department negating the request made by the appellant to revoke his suspension.

2. Heard the learned Senior Counsel for the appellant and the learned Special Government Pleader appearing on behalf of the respondents.

3. While the appellant was functioning as Divisional Fire Officer at Nagercoil, the Vigilance and Anti Corruption Department arrested him for demanding bribe resulting in registering a case in Crime No.3 of 2013 against him. The first respondent suspended the appellant from service by order dated 20 May 2013. The appellant filed a writ petition before this Court to review the suspension. This Court by order dated 6 November 2013 in W.P.No.30077 of 2013 directed the first respondent to consider his representation filed for the purpose of revoking the suspension. The appellant thereafter filed another writ petition in W.P.No.23192 of 2014 challenging the order of suspension. The said writ petition was disposed of by order dated 11 September 2014 with a direction to the first respondent to consider the matter once again. The first respondent thereafter considered the matter and by order dated 2 March 2015 negated the request to revoke the suspension. The said order was unsuccessfully challenged in W.P.No.10075 of 2015.

4. The appellant is involved in a case registered by the Vigilance and Anti Corruption Department and that too, on the basis of a trap. There is no question of automatic revocation of suspension in a matter of this nature. It is the prerogative of the employer to review the suspension and to take a decision as to whether the

suspension should be continued indefinitely. The learned Single Judge was therefore perfectly correct in dismissing the writ petition.

5. The appellant now wanted the respondents to consider the matter afresh in the light of the letter dated 23 July 2015 issued by the Personnel and Administrative Reforms (N) Department, Chennai.

6. The Government issued the above referred letter on the basis of the judgment of the Supreme Court in Ajay Kumar Choudhary v. Union of India through its Secretary and Another (2015) 7 SCC 291). The Government wanted the concerned departments to review the suspension on its own merits.

7. The limited prayer of the appellant now is to consider his request for revocation in the light of the letter dated 23 July 2015. While confirming the order passed by the learned Single Judge we direct the first respondent to review the case of the appellant in the light of the letter No.13519/N/2015-1 dated 23 July 2015. Such exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this judgment.

8. The intra-court appeal is disposed of with the above direction. Consequently the connected MP is closed. No costs.

Sd/-
Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

Tr/

To

1. The Principal Secretary to Government
Home Department
Fort St. George
Chennai-600 009.

WEB COPY

2. The Director
Tamil Nadu Fire and Rescue Services
No.1, Greams Road
Chennai-600 006.

2 CCs to Mr.S.D.Venkateswaran, Advocate SR.No. 44113

1 CC to the Government Pleader, SR.No. 44485

W.A.No.973 of 2015

RJ (CO)
PSI (07.09.2015)



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