

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31-08-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.27210 of 2015

and

M.P.No.1 of 2015

S.Ramakrishnan

.. Petitioner

vs

The District Collector
Kancheepuram District

.. Respondent

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondent to consider the petitioner's representation dated 18.8.2015, in the light of the Hon'ble Supreme Court's judgment reported in (2015) 7 SCC 291, on merits, within a stipulated time.

For Petitioner : Mr.Stalin Abhimanyu

For Respondent : Mr.V.Subbiah
Special Government Pleader

ORDER

By consent, the writ petition itself is taken up for final disposal.

2.The petitioner claims that he is in possession and occupation of the Government poramboke lands in Survey Nos.107 and 121/2 of Chetpet Village, and 'B' Memo was issued in favour of his uncle, who is the Kartha of the joint family. The petitioner would further state that he and his cousin brother viz. Kumar, were arrested on the basis of the complaint lodged by the jurisdictional Village Administrative Officer, alleging that they were attempting to sell the said property, which belonged to the Government, by way of plotting out.

3.It is further stated by the petitioner that he and his cousin brother did not involve in such kind of illegal activities and he is also serving as the Panchayat Secretary at Chetpet Village, Sriperumbudur Taluk, for the past 15 years and was suspended from service by the respondent vide order dated 28.11.2013, on the ground that he has been arrested and confined by the jurisdictional police beyond 48 hours and was also served with a charge memo on 31.1.2014.

<https://hcservices.ecourts.gov.in/hcservices/>

4.The grievance now expressed by the petitioner, is that though the charge memo has been issued, still, he has been kept

under suspension and in the light of the judgment rendered by the Hon'ble Supreme Court of India and reported in (2015) 7 SCC 291 (AJAY KUMAR CHOUDHARY V. UNION OF INDIA AND ANOTHER), even for extending the period of suspension, a detailed order is to be passed and in this regard, he has also submitted a representation dated 18.8.2015, and since no orders have been passed, came forward to file this writ petition.

5.The learned Counsel appearing for the petitioner, has drawn the attention of this Court to the judgment reported in (2015) 7 SCC 291 (cited above), and would submit that in the light of the said judgment, it is obligatory on the part of the respondent to pass a speaking order as to the continuance of the order of suspension and prays for appropriate orders.

6.The Court heard the submissions of Mr.V.Subbiah, learned Special Government Pleader, who accepted notice on behalf of the respondent, also. He would submit that the charge memo itself indicates reasons and therefore, there may not be any necessity to pass a separate order giving out reasons.

7.This Court has carefully considered the rival submissions and also perused the materials placed before it.

8.It is a settled position of law that in the case of deemed suspension, unless and until the authority, who passes the suspension order, reviews the same, this Court may not normally direct the concerned authority to revoke the order of suspension. Be that as it may, the petitioner has relied upon the above cited judgment rendered by the Hon'ble Supreme Court of India, and also submitted a representation dated 18.8.2015, for reviewing the order of suspension, in the light of the fact that the charge memo has already been issued.

9.This Court, in the light of the facts and circumstances and without going into the merits of the claim projected by the petitioner, is of the view that the respondent may pass orders as to the continuance of the order of suspension passed against the petitioner, and he may also take into consideration the reasons assigned in the charge memo, for doing so.

10.In the result, the writ petition is disposed of and the respondent, in the light of the observations made in this writ petition, is directed to dispose of the representation submitted by the petitioner dated 18.8.2015, in accordance with law and pass orders thereon within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CO)

To:

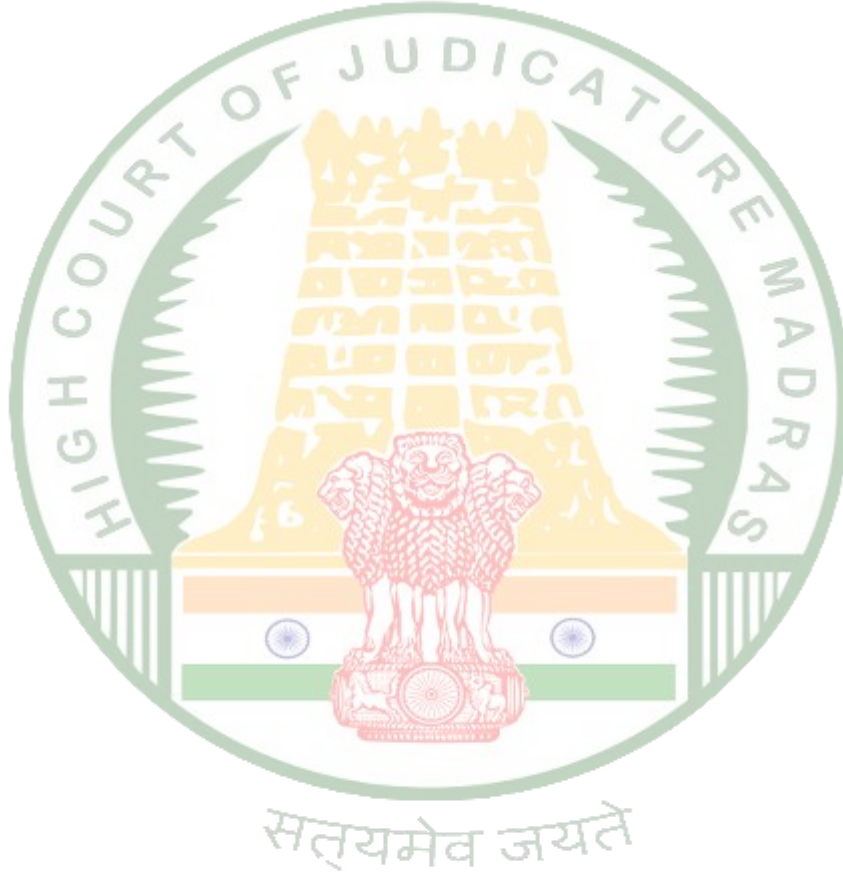
The District Collector
Kancheepuram District

1 cc to Government Pleader, Sr. 46859

1 cc to Mr. Stalin Abhimanyu, Advocate, Sr. 46431

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