

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 22.09.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.29761/2015 & MP.Nos.1&2/2015

C.Krishnan

Petitioner

Versus

1.The Senior Divisional Manager
Life Insurance Corporation of India,
Salem.

2.The Branch Manager
Life Insurance Corporation of India,
Hosur, Krishnagiri district.

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of certiorarified mandamus calling for the records of the 1st respondent relating to the order of suspension Ref.DO/P&IR dated 23.12.2014 and to quash the same and to issue consequential directions to the 1st respondent to reinstate the petitioner in service with all consequential benefits.

For Petitioner : Mr.M.Ravi

For Respondent : Mr.C.K.Chandrasekar

O R D E R
सत्यमेव जयते

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

2 The petitioner is a Development Officer in the services of the Life Insurance Corporation of India and he was placed under suspension on 23.12.2014 by the 1st respondent alleging certain irregularities and he was also arrested by the District Crime Branch, Krishnagiri on 18.02.2015, in connection with the registration of a case in Cr.No.3/2015 on 04.02.2015 for the alleged commission of the offences u/s.406 and 420 IPC and was released on bail by the Court of Judicial Magistrate, No.2, Hosur on 19.03.2015 in CrI.MP.No.1089/2015. The grievance expressed by the petitioner is that the suspension is a prolonged one and there is no progress even

in the departmental proceedings also. The petitioner has also made representations for payment of subsistence allowance as well as for revocation of the order of suspension and since the petitioner is yet to be favoured with any kind of response, he came forward to file this writ petition.

3 Learned counsel for the petitioner has invited the attention of this Court to the decision rendered by the Hon'ble Apex Court reported in [2015] 3 CTS 119 SC [Ajay Kumar Choudhary Vs. Union of India and others] and would submit that in the light of the ratio laid down in the said judgment, the suspension order passed against the petitioner is to be revoked and he may be kept in any non-sensitive post and prays for appropriate orders.

4 This Court heard the submissions of Mr.C.K.Chandrasekar, learned counsel who accepts notice on behalf of the respondents.

5 It is relevant to extract paragraph 14 of Ajay Kumar Choudhary's case [cited supra] which reads thus:-

"... 14 We, therefore, direct that the currency of a Suspension Order should not extend beyond three months if within this period the Memorandum of Charges/Charge sheet is not served on the delinquent officer/employee; if the Memorandum of Charges/Chargesheet is served a reasoned order must be passed for the extension of the suspension. As in the case in hand, the Government is free to transfer the concerned person to any Department in any of its offices within or outside the State so as to sever any local or personal contact that he may have and which he may misuse for obstructing the investigation against him. The Government may also prohibit him from contacting any person, or handling records and documents till the stage of his having to prepare his defence. We think this will adequately safeguard the universally recognized principle of human dignity and the right to a speedy trial and shall also preserve the interest of the Government in the prosecution. We recognize that previous Constitution Benches have been reluctant to quash proceedings on the grounds of delay, and to set time limits to their duration. However, the imposition of a limit on the period of suspension has not been discussed in prior case law, and would not be contrary to the interests of justice. Furthermore, the direction of the Central Vigilance Commission that pending a criminal investigation departmental proceedings are to be held

in abeyance stands superseded in view of the stand adopted by us."

6 Though the petitioner has sought for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner either in his representation or in the writ petition, directs the 1st respondent to consider and dispose of the petitioner's representations dated 13.06.2015 and 09.07.2015 on merits and in accordance with law and pass orders within a further period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner.

7 The writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petitions are closed.

-s/d-

Assistant Registrar(CO)

dt:30/9/2015

True Copy

Sub-Assistant Registrar

AP

To

1.The Senior Divisional Manager
Life Insurance Corporation of India,
Salem.

2.The Branch Manager
Life Insurance Corporation of India,
Hosur, Krishnagiri district.

+1 cc to Mr.M.Ravi Advocate sr.51951

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