

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.09.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.30466/2015

S.Sakthivel

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Petitioner

Versus

1. The Director

Adi Dravidar Welfare Department
Chepauk, Chennai 600 005.

2. The District Adi Dravidar & Tribal
Welfare Department, Villupuram
Villupuram District.

3. The Special Tahsildar

Adi Dravidar Welfare Department
Ullundurpet Taluk, Villupuram District. ...

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus directing the respondent to review the order of suspension passed by the 1st respondent issued in RC.No.II-3/26233/2013 dated 21.01.2014 and to reinstate the petitioner into service with consequential benefits by considering the representation submitted by the petitioner dated 20.07.2015.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.V.Subbiah,
Special Government Pleader

O R D E R

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

2 The petitioner while working as Tutor-cum-Warden at Government Adi Dravidar Welfare Boys Hostel, Ullundurpet, Villupuram District, was placed under suspension, vide order of the 1st respondent dated 21.01.2014 and subsequently, he was issued with a charge memo on 24.02.2014 by the 1st respondent, for which also, the petitioner has submitted his explanation/written statement. The grievance expressed by the petitioner now is that though 15 months had lapsed, neither the order of suspension was revoked nor an Enquiry Officer was appointed. In this regard, the petitioner has submitted a representation dated 20.07.2015 and since no orders have been passed, the petitioner came forward to file this writ petition.

3 Heard the submissions of the learned counsel for the petitioner and Mr.V.Subbiah, learned Special Government Pleader who accepts notice on behalf of the respondents.

4 The Honourable Supreme Court in Ajay Kumar Choudhary Vs. Union of India and others reported in [2015] 3 CTS 119 SC, in paragraph 14 has held 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."

5 Though the petitioner has prayed 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, directs the 1st respondent to consider and dispose of the petitioner's representation dated 20.07.2015 on merits and in accordance with law and pass orders within a period of four weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

6 The writ petition is disposed of accordingly. No costs.

AP

s/d-
Assistant Registrar(CS-II)

True Copy

Sub-Assistant Registrar

To

1. The Director
Adi Dravidar Welfare Department
Chepauk, Chennai 600 005.
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Welfare Department, Villupuram
Villupuram District.
3. The Special Tahsildar
Adi Dravidar Welfare Department
Ullundurpet Taluk, Villupuram District.

+ 1 cc to Govt.Pleader SR 52941

+ 1 cc to Mr.G.Sankaran, Advocate SR 52763

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