

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06-10-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.31450 of 2015

M.Ravichandran

.. Petitioner

vs

1.The District Collector
Salem District
Salem

2.The Divisional Revenue Officer
Salem District
Salem

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the first respondent to consider the representation of the petitioner dated 28.8.2015, seeking to review the order of suspension issued in Na.Ka.No.20/2014/A2 dated 26.7.2014, and reinstate the petitioner in service.

For Petitioner : Mr.G.Arul Murugan

For Respondents : Mr.N.Srinivasan
Additional Government Pleader

ORDER

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

2.The petitioner would state that he while working as an Assistant in Vazhapadi Special Tahsildar Office (Social Security Scheme), was placed under suspension by the first respondent vide proceedings dated 26.7.2014, alleging certain irregularities and in this regard, has submitted a representation dated 28.8.2015, to the first respondent praying for reviewing/revoking the order of suspension citing family ground and since no orders have been passed, came forward to file this writ petition.

3.The learned Counsel appearing for the petitioner, has drawn the attention of this Court to the decision of the Hon'ble Supreme Court of India reported in (2015) 7 SCC 291 [AJAY KUMAR CHOUDHARY V. UNION OF INDIA AND ANOTHER], and would submit that in the light of the ratio laid down in the above cited judgment, the currency of suspension order should not extend beyond the period of

three months, if within the said period, charge memo/charge sheet is not served on him and hence, prays for appropriate orders.

4.The Court heard the submissions of Mr.N.Srinivasan, learned Additional Government Pleader, who accepted notice on behalf of the respondents, also, who would submit that considering the seriousness of allegations, the petitioner has been placed under suspension.

5.In the decision reported in (2015) 7 SCC 291 (cited above), the Hon'ble Supreme Court has held as under:-

"21.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/charge-sheet 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 person concerned 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 recognised principle of human dignity and the right to a speedy trial and shall also preserve the interest of the Government in the prosecution. We recognise that the 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.This Court, taking into consideration the limited scope of prayer sought for by the petitioner, and without going into the merits of the same, directs the first respondent to consider the petitioner's representation dated 28.8.2015, on merits and in accordance with law and pass orders thereon within a period of six weeks from the date of receipt of a copy of this order and

communicate the decision taken, to the petitioner. The writ petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

To:

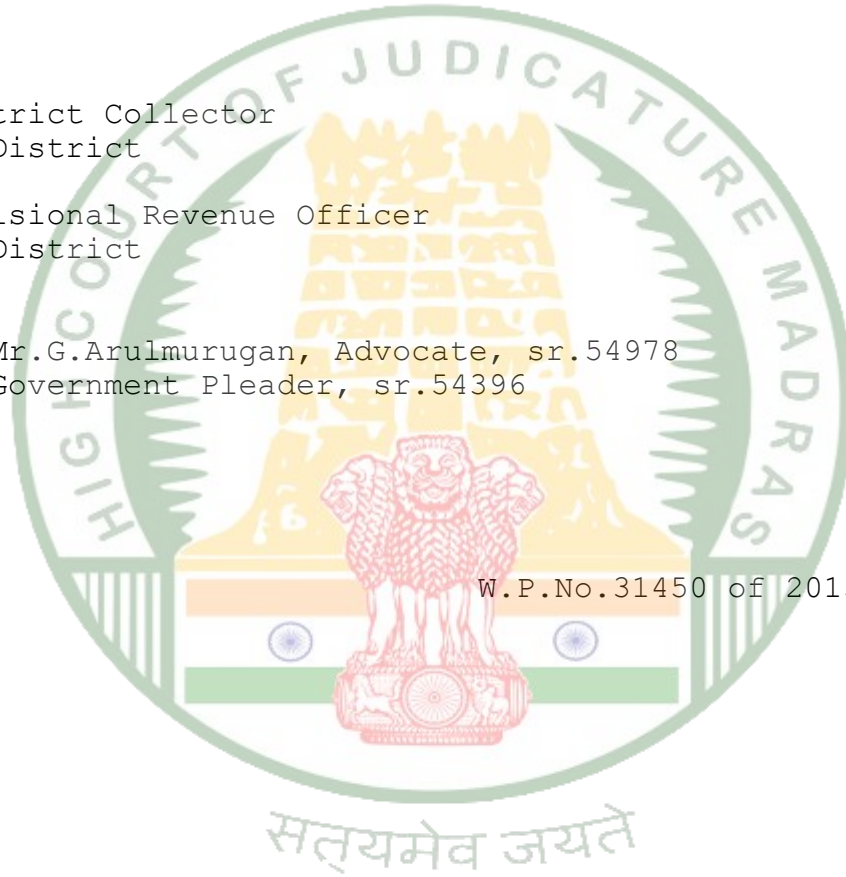
- 1.The District Collector
Salem District
Salem
- 2.The Divisional Revenue Officer
Salem District
Salem

+1 cc to Mr.G.Arulmurugan, Advocate, sr.54978
+1 cc to Government Pleader, sr.54396

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