

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 30.10.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.34739/2015 & MP.Nos.1&2/2015

P.Subramanian

...Petitioner

Vs

1. The District Collector,
Inspector of Panchayats,
Salem.
2. The Assistant Director of Rural Development,
(Panchayats),
Salem.
3. The Block Development Officer(Village Panchayats),
Veerapandi,
Salem District.

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for a writ of Certiorarified mandamus calling for the records of the first respondent relating to the order in Na.Ka.No.13690/2014/Ni.3, dated 03.03.2015, to quash the same in the light of Judgment of the Hon'ble Supreme Court of India in 'Ajay Kumar Choudhary's case, and the instructions issued by the Government in Letter No.13159/N/2015-1, P& AR (N) Department dated 23.07.2015 and reinstate the Petitioner in service with consequential benefits.

For Petitioner : Mr.M.Ravi

For RR 1 & 2 : Mr.V.Subbiah, Spl.GP

For R3 : Mr.S.V.Duraisolaimalai, AGP

ORDER

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

2 The petitioner while working as Junior Assistant in the Panchayat Union Office, Veerapandi, was issued with a show cause notice dated 04.11.2013 calling for explanation with regard to certain lapses and he has submitted his response/explanation, denying the allegations. The 1st respondent, however issued a charge memo dated 13.01.2015 under Rule 17[b] of the Tamil Nadu Civil Services [Discipline and Appeal] Rules, alleging that certain illegal transfer of funds amounting to a sum of Rs,14,10,308/- has taken place. The petitioner has submitted a representation dated 27.01.2015 praying for permission to peruse certain documents and also filed WP.No.21328/2015 challenging the order of suspension and this Court, disposed of the said writ petition on 16.07.2015 by directing the 1st respondent to complete the disciplinary proceedings within the stipulated time frame and pass final orders and however, that order has not been complied with. The petitioner, in this regard, has submitted a representation dated 15.10.2015 to the respondents to revoke/review the order of suspension and since no orders have been passed, he came forward to file this writ petition.

3 Learned counsel for the petitioner would submit that the Hon'ble Supreme Court of India in Ajay Kumar Choudhary Vs. Union of India reported in 2015 [3] CTC 119 SC, has prescribed upper time limit for keeping a person under suspension and the Personnel and Administrative Reforms Department of the State of Tamil Nadu, placing reliance on the above cited judgment, has issued administrative instructions in Letter No.13159/N/2015-1 dated 23.07.2015 and hence, prays for appropriate orders.

4 This Court heard the submissions of Mr.V.Subbiah, learned Special Government Pleader who accepts notice on behalf of the respondents 1 to 3 and Mr.S.V.Duraisolaimalai, learned Additional Government Pleader who accepts notice on behalf of the 4th respondent.

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 same, directs the 1st respondent to consider and dispose of the petitioner's representation dated 15.10.2015 in the light of the above cited Judgment rendered by the Apex Court as well as the administrative instructions issued by the Personnel and Administrative Reforms Department of the Government of Tamil Nadu dated 23.07.2015 and pass orders 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.

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

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

AP

To

1. The District Collector,
Inspector of Panchayats,
Salem.
2. The Assistant Director of Rural Development,
(Panchayats),
Salem.
3. The Block Development Officer(Village Panchayats),
Veerapandi,
Salem District.

1 CC to Mr.M.Ravi, Advocate SR.No. 59290

1 CC to the Government Pleader, SR.No. 60036

सत्यमेव जयते

W.P.No.34739/2015

PA (CO)

PSI (19/11/2015)

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