

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2015

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

W.P.No.35150 of 2015
and
MP.No.1 of 2015

R.K.Padmanaban

... Petitioner

Vs.

1. The Principal Secretary cum
Commissioner of Revenue Administration,
Revenue Department, Chepauk, Chennai-05.
2. The Revenue Secretary,
Revenue Department,
Secretariat, Fort St.George,
Chennai-09.
3. The District Collector,
Collectorate, Salem - 01.
4. The District Revenue Officer,
Collectorate, Salem-01.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records relating the proceedings dated 08.07.2011 made in Roc.No.17357/2011/A2 passed by the 4th respondent and quash the same and direct all the respondents herein to reinstate the petitioner in service, with all service and monetary benefits till date.

For Petitioner : Mr.A.Rajakumar

For Respondents : Mr.V.Jayaprakash Narayanan
Special Government Pleader

O R D E R

According to the petitioner, while he was working as Assistant in the office of the Special Deputy Collector (stamps), he was suspended from the service based on the Criminal Case registered against him in Cr.No.6/AC/2001/SL dated 30.04.2011 by the Deputy Superintendent, Vigilance and Anti Corruption, Salem.

2.The petitioner would contend that as per GO.No.30 Personnel and Administrative Reforms (N) Department dated 23.02.2012 the suspension has to be considered by the review committee once in three months per year, but in the case of the petitioner the suspension of the petitioner was not considered by the review committee and as per the decision of the Hon'ble Supreme Court reported in (2010) 2 SCC 222 - Union of India and others V. Dipak Mali, the order has to be quashed.

3.The learned counsel for the petitioner submitted that the petitioner has given a representation dated 28.03.2012 to revoke the suspension order and he will be satisfied, if a direction is issued to consider the representation in a reasonable time.

4.Heard the submissions of Mr.A.Rajakumar, learned counsel appearing for the petitioner and Mr.V.Jayaprakash Narayanan, learned Special Government Pleader, who accepts notice on behalf of the respondents.

5.Though the petitioner prayed for a larger relief, this Court in the light of the above facts and circumstances, permits the petitioner to submit one more representation to the respondents by enclosing a copy of this order as well as copies of his earlier representations and the decision relied on by the petitioner reported in (2010) 2 SCC 222 - Union of India and others V. Dipak Mali within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, third and fourth respondents are directed to consider the said representation on merits and in accordance with law, in the light of the above said decisions and pass appropriate orders within a period of eight weeks thereafter and communicate the decision taken to the petitioner.

6.The writ petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Secretary cum
Commissioner of Revenue Administration,
Revenue Department, Chepauk, Chennai-05.
2. The Revenue Secretary,
Revenue Department,
Secretariat, Fort St.George,
Chennai-09.
3. The District Collector,
Collectorate, Salem - 01.
4. The District Revenue Officer,
Collectorate, Salem-01.

+1cc to Mr.A.Rajakumar, Advocate, S.R.No.61809
+1cc to the Government Pleader, S.R.No.62050

W.P.No.35150 of 2015

SV(CO)
CA(27/11/2015)

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