

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 15.04.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. No.13909 of 2016

K.Ganesankar

.. Petitioner

-vs-

The Principal Secretary to Government,
Rural Development & Panchayat,
Raj (E2) Department,
Secretariat, Chennai-600 009. Respondent

Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the respondent herein to consider and pass orders on the petitioner's representation dated 05.03.2016 to revoke the order of suspension in the light of the decision of the Supreme Court reported in 2015 (2) Scale Page 432 and as per the Government Circular issued in Letter No.13519/N/2015-1, dated 23.07.2015 within a stipulated time.

For Petitioner : Mr.Ravi Shanmugam

For Respondent : Mr.R.Vijayakumar,
Additional Government Pleader

O R D E R

The petitioner K.Ganesankar, who suffered from the prolonged suspension order dated 09.04.2009, stating that he demanded and accepted illegal gratification of Rs.3,000/- from one C.Palani for passing final bill of improvement to Anganwadi Buildings, has made a representation dated 05.03.2016, requesting the Principal Secretary to Government/the respondent herein to revoke his suspension order passed in G.O. (D) No.197, RD & PR (E2) Department, dated 09.04.2009.

2.Learned counsel appearing for the petitioner would submit that since the respondent has received the said representation, no order has been passed in spite of direction issued by the Apex Court in the case of Ajay Kumar Choudhary vs Union of India and another reported in 2015 (2) Scale page 432 followed by a letter No.13519/N/2015-1 dated 23.07.2015, issued by the Principal Secretary to Government, requesting the departments of Secretariat and heads of department to follow the direction of the Apex Court in the above said case on the limitations in the

period of suspension in letter and spirit. As the respondent has not applied either the judgment passed by the Hon'ble Apex Court in the said case or the letter issued by the Principal Secretary to Government, he has come to this Court.

3. Heard the learned counsel appearing for the petitioner as well as the learned Additional Government Pleader appearing for the respondent.

4. Considering the fact that the petitioner, who was placed under suspension by order dated 09.04.2009, stating pendency of the criminal case, has not been given the benefit of reinstatement, in the light of the judgment given by the Apex Court in the case mentioned supra and as per the Government letter issued by the Principal Secretary to Government and also considering the fact that the Government is paying 75% of the subsistence allowance to the petitioner without extracting any work whatsoever from him, this Court directs the respondent to consider the petitioner's representation dated 05.03.2016 in the light of the judgment reported in 2015 (2) Scale Page 432 and as per the Government Circular issued in Letter No.13519/N/2015-1, dated 23.07.2015 and pass orders, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

5. With the above direction, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

vga

To
The Principal Secretary to Government,
Rural Development & Panchayat,
Raj (E2) Department,
Secretariat, Chennai-600 009.

+ 1 cc to MR.Ravi Shanmugam, Advocate SR.23426

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AD(CO)
Eu 22.4.16