

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:- 28.04.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.No.16104 of 2016
and
W.M.P.No.13903 of 2016

G.Venkateswaran

...Petitioner

Versus

1.The Director of Adi Dravidar Welfare,
Chepauk,
Chennai 600 005.

2.The District Adi Dravidar & Tribal Welfare Officer,
Salem District,
Salem.

...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India to issue a writ of certiorarified mandamus to call for the records relating to the impugned proceedings issued by the first respondent in Rc.No.R-2/20379/2015 dated 18.11.2015 and quash the same and consequently directing the respondents to re-instate the petitioner into service with all consequential and other attendant benefits.

For Petitioner :: Mr.G.Sankaran

For Respondents :: Mr.R.Vijayakumar
Additional Government Pleader

सत्यमेव जयते
O R D E R

The petitioner G.Venkateswaran, Primary School Headmaster has filed this writ petition for issuance of a writ of certiorarified mandamus to call for the records relating to the impugned proceedings issued by the first respondent in Rc.No.R-2/20379/2015 dated 18.11.2015 and quash the same and consequently directing the respondents to re-instate the petitioner into service with all consequential and other attendant benefits.

2. The petitioner was placed under suspension by the second respondent on 18.11.2015 and subsequently, on 05.01.2016, he was issued with charge memo with 15 years delay from the date of

incident alleging that he has violated Government Service conduct Rules. This has been stayed by this court on 19.01.2016 in W.P.No.1614 of 2016 in view of huge delay. Thereafter, the petitioner was issued with another charge memo dated 17.03.2016 alleging by speaking over giving instructions to impute allegations against the jeep driver and thereby has interfered with the enquiry held against Mani, the Jeep Driver and Shanthi, the Superintendent. The said charge memo also has been stayed by order of this court dated 15.04.2016 as it was vague. Thus, the petitioner has taken a stand that when the charge memos issued against the petitioner have been stayed by this court accepting that a prima facie case has been made out by the petitioner, resultantly the impugned order of suspension 18.11.15 passed should also be reviewed in the light of the judgment of the Apex Court reported in Ajay Kumar Choudhary vs. Union of India through its Secretary & ANR in Civil Appeal No.1912 of 2015 dated 16.02.2015 (2015 (7) SCC 291).

3.Learned counsel for the petitioner sought for a direction to consider the representation of the petitioner seeking review of the impugned suspension order dated 18.11.2015.

4.Learned Additional Government Pleader taking notice for the respondents submits that when the charges framed against the petitioner have been stayed by this court finding that there has been prima facie case made out by the petitioner and keeping in view that the petitioner has been kept under suspension for long time, the case of the petitioner needs to be reconsidered in the light of the aforesaid judgment and government letter.

5.Heard both sides.

6.The petitioner, while serving as Primary School Headmaster from 27.12.2008, was issued with a charge memo dated 05.01.2016 under Rule 17(b) of the T.N.Civil Service (Disciplinary & Appeal) Rules, that too, with a huge delay of 15 years, calling upon him to submit his explanation within 15 days. However, even before the expiry of 15 days, Enquiry Officer was appointed, therefore, on such score, an order of stay was granted by this court on 19.01.2016 in W.P.No.1614 of 2016. Secondly, another charge memo dated 17.03.2016 was issued without containing any specific details. Even this second charge memo was also stayed by this court on 15.04.2016 in W.P.No.14092 of 2016 on the ground of vagueness. While such being the admitted scenario, the impugned order of suspension needs to be reconsidered, in the light of Ajay Kumar Choudhary's case (cited supra). Therefore, the petitioner is directed to furnish a fresh representation along with a copy of the judgment of the Hon'ble Apex Court in the case of Ajay Kumar Choudhary's case to the first respondent, within a period of one week from the date of receipt of a copy

of this order. On receipt of the same, the first respondent shall consider and pass orders in the light of the judgment stated supra, on merits and in accordance with law, within a period of three weeks thereafter. With the above direction, the writ petition is disposed of. No costs. The connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

- 1.The Director of Adi Dravidar Welfare,
Chepauk,
Chennai 600 005.
- 2.The District Adi Dravidar & Tribal Welfare Officer,
Salem District,
Salem.

+1cc to M/S.G.Sankaran, Advocate Sr.27088
+1cc to the Government Pleader Sr.27355

W.P.No.16104 of 2016

ad(CO)
srg(19/05/2016)

सत्यमेव जयते

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