

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 20.01.2016

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

W.P. No.1753 of 2016
and
W.M.P.Nos.1539 and 1540 of 2016

G.Gnanasekaran

.. Petitioner

Vs.

1. The Commissioner of Commercial Taxes,
Chepauk,
Chennai - 600 005.

2. The Joint Commissioner (Administration),
Commercial Taxes,
Chepauk, Chennai - 600 005.

.. Respondents

PRAYER : Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the records of the respondents in connection with the impugned order passed by the first respondent in Proc.No.EE2/35848/2013 dated 03.12.2013 and the subsequent rejection order passed by the 2nd respondent in Memo No.EE2/35848/2013 dated 11.03.2014 and EE2/35848/2013 dated 08.01.2015 and quash the same.

For Petitioner : Mr.S.Sivakumar

For Respondents : Mr.A.Kanmani Annamalai,
Additional Government Pleader(Tax)

ORDER

By consent, the Writ Petition is taken up for final disposal at the admission stage itself.

2. The case of the petitioner is that while he was working as Deputy Commercial Tax Officer, he was arrested on 13.11.2013 for involvement of Criminal cases in Cr.Nos.277/2012 and 1423/2012 and subsequently, placed under suspension on 03.12.2013. It is stated that though the Police have not filed a charge sheet in the criminal cases, the suspension was not revoked by the Committee as per the Government Orders. It is

further stated that as per the decision of the Hon'ble Supreme Court in Ajay Kumar Choudhary vs. Union of India [SLP [C] No.31761 of 2013, dated 16.02.2015] and the Government Order dated 23.07.2015, the suspension of the petitioner has to be reviewed by the respondents. The petitioner made representations dated 30.10.2015 and 07.01.2016 to the first respondent seeking revocation of suspension. Since there was no response, the present Writ Petition has been filed.

3. Heard the submissions of Mr.S.Sivakumar, learned counsel appearing for the petitioner and Mr.A.Kanmani Annamalai, learned Additional Government Pleader (Tax), who accepts notice on behalf of the respondents.

4. The learned counsel for the petitioner would submit that though the petitioner has filed the present Writ Petition to quash the suspension order passed by the first respondent dated 03.12.2013, it would suffice that if a direction is issued to the first respondent to consider the representations of the petitioner dated 30.10.2015 and 07.01.2016.

5. This Court, taking into consideration the submissions of the learned counsel for the petitioner and also by taking into consideration the judgment of the Supreme Court cited supra, directs the first respondent to consider the representations of the petitioner dated 30.10.2015 and 07.01.2016, and pass orders, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

6. The Writ Petition is disposed of accordingly. Consequently, connected Miscellaneous Petitions are closed. No costs.

Sd/-

सत्यमेव जयते
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

ogy/sri

To

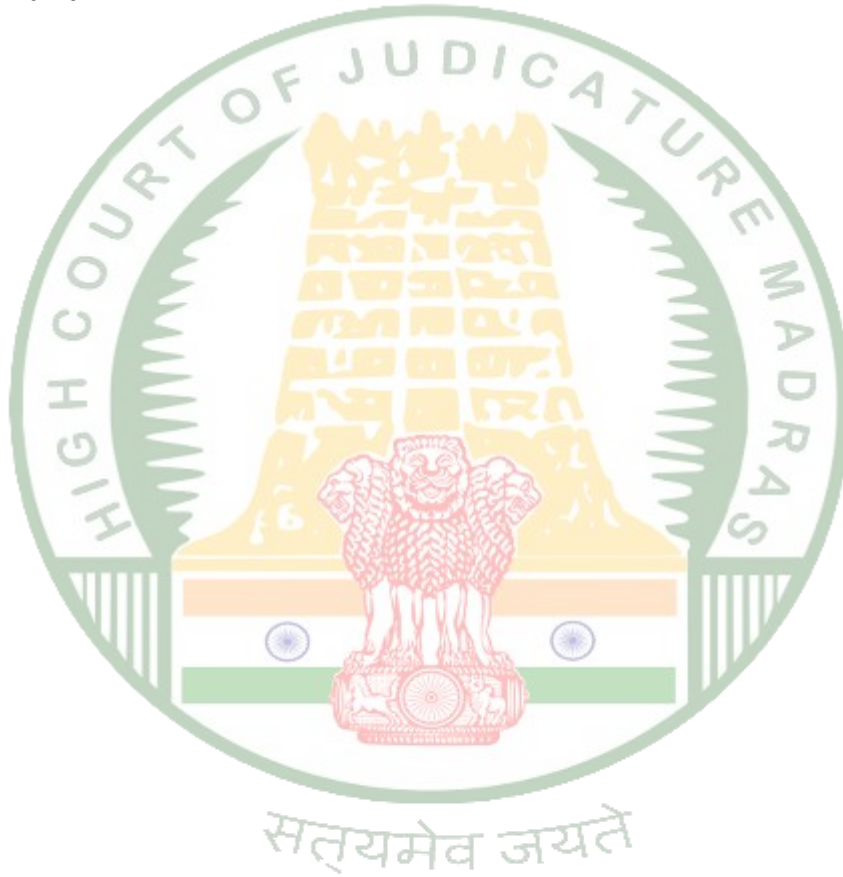
1. The Commissioner of Commercial Taxes,
Chepauk,
Chennai - 600 005.

2. The Joint Commissioner (Administration),
Commercial Taxes,
Chepauk, Chennai - 600 005.

+1 cc to Special Government Pleader, (Taxes), sr.3193
+1 cc to M/s.S.Sivakumar, Advocate, sr.3307

W.P. No.1753 of 2016

ak co
kra 23.02.2016



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