

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.05.2016

CORAM

THE HONOURABLE MR. JUSTICE M.V.MURALIDARAN

W.P.No.17663 of 2016 and WMP.No.15354 of 2016

M.Sivalingam

... Petitioner

Vs.

The Member Secretary,
Chennai Metropolitan Development Authority,
Chennai-600 008.

... Respondent

Writ Petition is filed under Article 226 of the Constitution of India to India for the issuance of a Writ of Mandamus, directing the respondent to consider and pass orders on the representation dated 30.04.2016 made by the petitioner for revoking the order of suspension issued by the respondent in his proceedings Roc.No.E2/18203/2014 dated 18.11.2014.

For Petitioner : Mr.P.Ganesan

For Respondent : Mr.A.Kumar,
Special Government Pleader

O R D E R

The Writ Petition has been filed to issue a Writ of Mandamus, directing the respondents to consider and pass orders on the representation, dated 30.04.2016, made by the petitioner for revoking the order of suspension issued by the respondent in his proceedings Roc.No.E2/18203/2014 dated 18.11.2014.

2. The case of the petitioner is that he joined as Building Inspector in the respondent Board on 13.08.1985. Thereafter, he was promoted as Junior Engineer in the year 1986. While so, he acquired B.E. Qualification and promoted as Assistant Engineer in 2004 and subsequently promoted as Assistant Executive Engineer on 03.05.2009. While so, he was posted to Koyambedu Management Marketing Committee by way of additional charge in October, 2013. Then, on 17.11.2014, he was arrested and remanded to judicial custody by the Vigilance based on the complaint of one A.Manickam. Thereafter, he came out on bail. In the meanwhile, the respondent placed him under suspension by an impugned order dated 18.11.2014 on the ground that a criminal case was pending against him. Now the

investigation is over. Hence, the petitioner made a representation to the respondent dated 25.06.2015 to review his suspension order. Since the same has not been considered, he made another representation dated 28.01.2016. Since the same has also not been considered, the petitioner filed W.P.No.12804 of 2016 before this Court and the same came to be admitted by an order dated 05.04.2016 and adjourned after two weeks. In the meanwhile, the petitioner made another representation dated 30.04.2016 requesting to revoke his order of suspension. Since the same has also not been considered, the petitioner is before this Court with this Writ Petition.

3. Heard the learned Counsel for the petitioner and the learned Special Government Pleader appearing for the respondent.

4. It is now brought to the notice of this Court that in similar circumstances in *Ajay Kumar Choudhary vs. Union of India (UoI)* and others reported in 2015 (3) CTC 119, the Hon'ble Supreme Court has held that the currency of a Suspension Order should not extend beyond three months, if within this period the Memorandum of Charges/Charge Sheet is not served on the delinquent officer and if the Memorandum of Charges is served, a reasoned order must be passed for the extension of the suspension.

5. Considering the facts and circumstances of this matter, without expressing any opinion on the merits of the matter, the Writ Petition is disposed of directing the respondent to consider the representation dated 30.04.2016 made by the petitioner for revoking the order of suspension dated 18.11.2014 and pass orders on the same on merits and in accordance with law and also in the light of the decision of the Hon'ble Supreme Court in *Ajay Kumar Choudhary vs. Union of India (UoI)* and others reported in 2015 (3) CTC 119. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

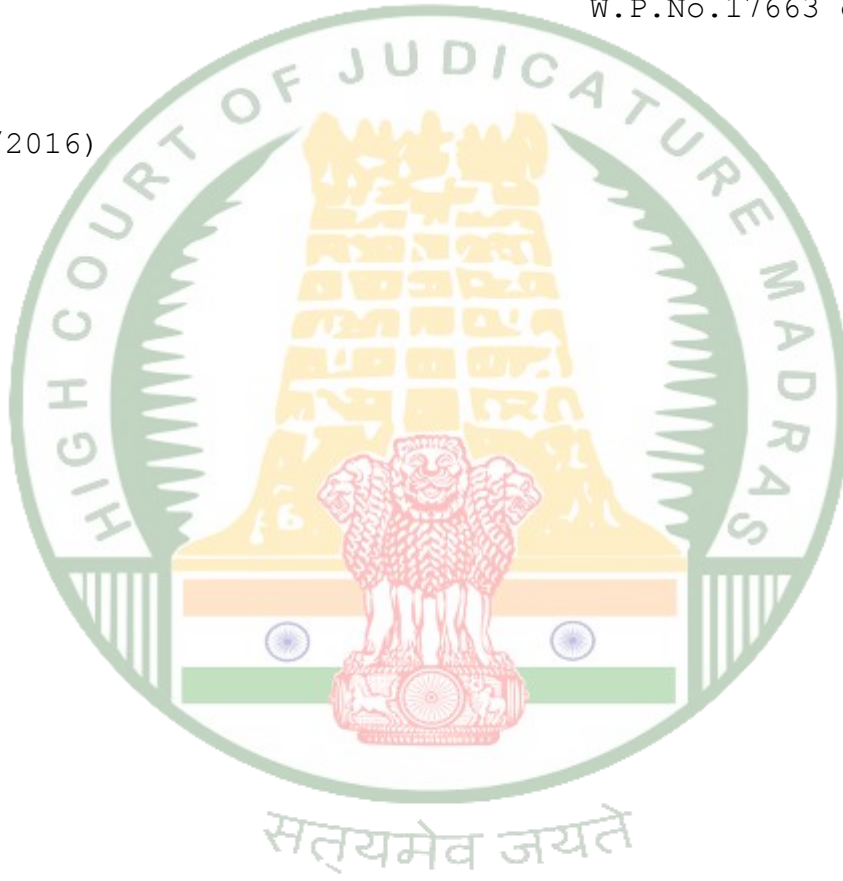
To

The Member Secretary,
Chennai Metropolitan Development Authority,
Chennai-600 008.

+1cc to M/S.C.S.Associates, Advocate Sr.28281

W.P.No.17663 of 2016

ppa (CO)
srg (17/05/2016)



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