

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.05.2016

CORAM

THE HONOURABLE MR. JUSTICE M.V.MURALIDARAN

W.P.No.17783 of 2016
and
W.M.P.No.15465 of 2016

R.Muthu Krishnan

... Petitioner

.. Vs ..

1. The State of Tamil Nadu,
Rep. by the Secretary to Government,
Highways Department,
Secretariat, Chennai-600 009.
2. The Director General,
Highways Department,
Chennai-600 005.
3. The Divisional Engineer (H),
Villupuram District, Villupuram.
4. The Divisional Engineer (H) C & M,
Villupuram District, Villupuram.
5. The Superintending Engineer (H) C & M Circle,
Villupuram District, Villupuram. ... Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the 3rd Respondent herein issued an order of Suspension in and by his proceedings Pro.No.3048/2015/B3/dated 05.11.2015 with retrospective effect from 16.08.2015 and consequential order in Pro.No.3048/2015/Aa3/ dated 07.12.2015 issued by the 4th Respondent and quash the same and to issue consequential directions to the Respondents to consider the claim of the petitioner for revocation of suspension in the light of the Ratio laid down by the Hon'ble Supreme Court in the Judgment dated 16.02.2015 in Ajaykumar Choudhary Vs.Union of India, through its secretary & Anr. reported in CDJ 2015 SC 129 and the consequential Government Letter No.13519/N/2015-1, dated 23.07.2015, as referred to in the petitioner's representations dated 29.02.2016 and pass appropriate orders thereon, within a limited time frame and to reinstate the petitioner in service with all consequential benefits.

For Petitioner : Mr.K.Arunagiri
for M/s.L.S.M.Hasan Fizal

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

ORDER

Mr.R.Vijayakumar, learned Additional Government Pleader takes notice for the respondents. By consent, the main writ petition itself is taken up for final disposal.

2. The Writ Petition has been filed to issue a Writ of Certiorarified Mandamus, calling for the records of the third respondent herein issued an order of Suspension in and by his proceedings Pro.No.3048/2015/B3/dated 05.11.2015 with retrospective effect from 16.08.2015 and consequential order in Pro.No.3048/2015/Aa3/ dated 07.12.2015 issued by the fourth respondent and quash the same and to issue consequential directions to the respondents to consider the claim of the petitioner for revocation of suspension in the light of the ratio laid down by the Hon'ble Supreme Court in the Judgment dated 16.02.2015 in Ajaykumar Choudhary Vs.Union of India, through its secretary & Anr. reported in CDJ 2015 SC 129 and the consequential Government Letter No.13519/N/2015-1, dated 23.07.2015, as referred to in the petitioner's representation dated 29.02.2016 and pass appropriate orders thereon, within a limited time frame and to reinstate the petitioner in service with all consequential benefits.

3. Even though the prayer in the writ petition is for a larger relief, the learned counsel appearing for the petitioner submitted that it would suffice, if the first respondent is directed to dispose of the representation of the petitioner, dated 29.02.2016, on merits and in accordance with law, within a specified period.

4. Considering the facts and circumstances of the case and also considering the request now made by the learned counsel for the petitioner, without going into the merits of the matter, this Court directs the first respondent to consider the representation of the petitioner dated 29.02.2016 and pass appropriate orders on the same, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order, in the light of the Judgment dated 16.02.2015 made in Ajaykumar Choudhary Vs.Union of India, through its secretary & Another reported in CDJ 2015 SC 129.

5. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

Jrl

To

1. The Secretary to Government,
The State of Tamil Nadu,
Highways Department,
Secretariat, Chennai-600 009.
2. The Director General,
Highways Department,
Chennai-600 005.
3. The Divisional Engineer (H),
Villupuram District, Villupuram.
4. The Divisional Engineer (H) C & M,
Villupuram District, Villupuram.
5. The Superintending Engineer (H) C & M Circle,
Villupuram District, Villupuram.

1 cc to Mr.K.Arunagiri, Advocate, sr.28291

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