

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 05.08.2016

CORAM

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

Writ Petition No.2869 of 2015 &
M.P.Nos.1 and 2 of 2015

S.Manoharan

.. Petitioner

Vs

The District Revenue Officer,
Erode District,
Erode.

.. Respondent

Prayer: Writ Petition filed under Article 226 of the constitution of India to issue a Writ of Certiorarified Mandamus calling for the entire records relating to the impugned order passed by the respondent in his proceedings Rc.No.38407/2013/A4, dated 29.11.2013 and quash the same and consequently direct the respondent to reinstate the petitioner into service as Revenue Inspector with all back wages, attendance benefits and other monetary benefits.

For Petitioner : Mr.P.Immanuel Prakasam

For Respondent : Mr.S.Gunasekaran
Additional Govt.Pleader.

O R D E R

This Writ Petition has been filed to call for the entire records relating to the impugned order passed by the respondent in his proceedings Rc.No.38407/2013/A4, dated 29.11.2013 and quash the same and consequently direct the respondent to reinstate the petitioner into service as Revenue Inspector with all back wages, attendance benefits and other monetary benefits.

2. The petitioner, who was working as a Revenue Inspector, Erode (East) in the Revenue Department, is kept under suspension by an Order dated 29.11.2013. According to the petitioner, till date, his suspension has not been revoked. The grievance of the petitioner is that he is in prolonged suspension, without any enquiry. Hence, this Writ Petition has been filed seeking the relief stated supra.

3. Mr.P.Immanuel, the learned counsel appearing for the petitioner, would submit that the petitioner has been kept under suspension from 29.11.2013. Thereafter, he was not allowed to join duty. In this regard, he has made a representation to the respondent on 03.03.2014, but, till date, no order has been passed. He would further submit that the issue of order of suspension cannot be prolonged continuously for long time, as per the well settled legal

position enunciated by the Hon'ble Apex Court in the case of Ajay Kumar Choudhary vs. Union of India through its Secretary and another passed in Civil Appeal No.1912 of 2015 dated 16.02.2015. He would also contend that pursuant to the ratio laid down by the Hon'ble Apex Court in Ajay Kumar Choudhary's case (cited supra), the Government also has issued a circular in Letter No.13519/N/2015-1, dated 23.07.2015 for implementation of the direction issued by the Apex Court, wherein, the Apex Court while fixing limitation on the period of suspension had directed as follows:-

(i) 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/employee;

(ii) If the Memorandum of Charges/Charge sheet is served a reasoned order must be passed for the extension of the suspension.

The Departments of Secretariat and Heads of Departments are therefore requested to follow the directions ordered by the Hon'ble Supreme Court of India on the limitations in the period of suspension in letter and spirit."

He would further add that the petitioner would be satisfied, if a direction is issued to the respondent to consider his representation and appropriate orders are passed.

4. Mr.S.Gunasekaran, the learned Additional Government Pleader, has got no objection in issuing the direction as sought for by the learned counsel for the petitioner.

5. Considering the submission of the learned counsel for the petitioner that the petitioner is in prolonged suspension without any review, this Court, without going into the merits of the claim made by the petitioner, directs the respondent, to consider the representation of the petitioner dated 03.03.2014 and pass appropriate orders, on merits and in the light of the judgment of the Hon'ble Supreme Court reported in (2015) 3 CTC 119 (SC), Ajay Kumar Chaudry vs. Union of India and also as per Rules, as expeditiously as possible, preferably, within a period of two weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim made by the petitioner.

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

Sd/-
Assistant Registrar(CS III)

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Sub Assistant Registrar

vrc

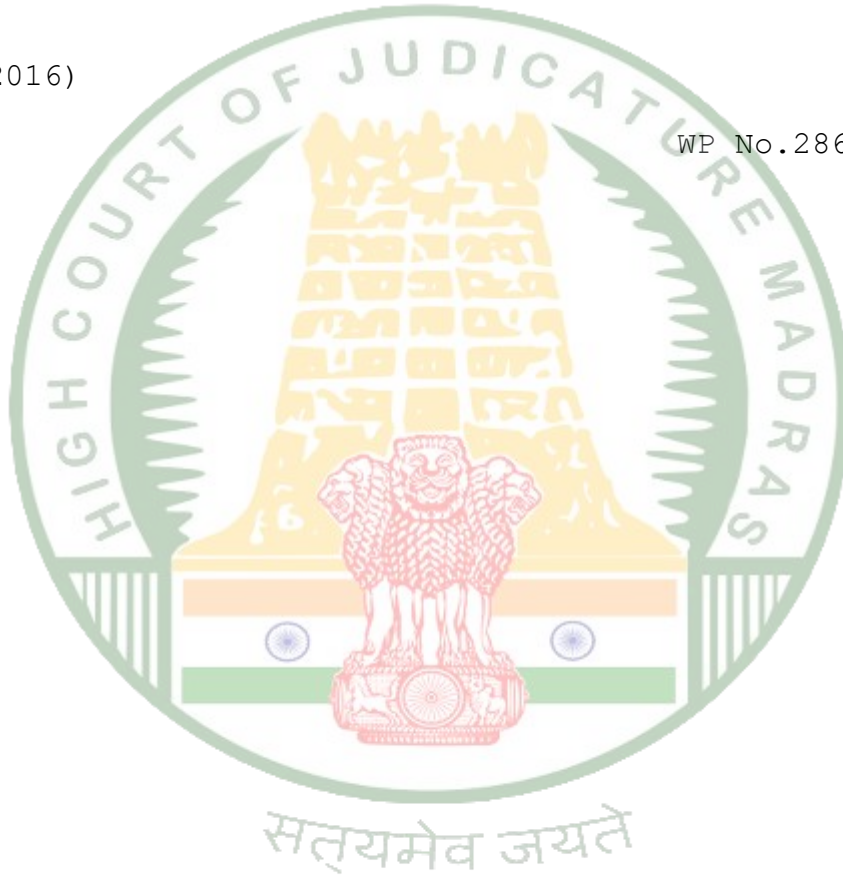
To

The District Revenue Officer,
Erode District,
Erode.

+2ccs to M/s. P. Immanuel Prakasam, Advocate, S.R.No.44727
+1cc to the Government Pleader, S.R.No.44901

PPA (CO)
EU (01/09/2016)

WP No.2869 of 2015



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