

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.08.2016

CORAM:

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

WP.No.25343 of 2016
WMP.Nos.21655 and 21656 of 2016

E.Ramachandran

Petitioner

Vs

The Deputy Commissioner,
Commercial Tax Department
Sriperumbudhur, Kancheepuram

Respondents

Prayer:- This Writ Petition is filed to issue a Writ of Certiorarified Mandamus to call for the records of the Respondent in proceedings Na.Ka.2758/2013/A1-1, dated 17.5.2013 and in proceedings Na.Ka.No.2758/2013/A1-1, dated 4.5.2015 and to quash the same and to direct the Respondent to reinstate the Petitioner in service as Junior Assistant in the light of the judgement reported in 2015 3 CTC SC 119 and 2012 CTC 1 124 and Government Letter No.13519/N/2015-1 dated 23.7.2015.

For Petitioner : Mr.K.Raja

For Respondent : Mr.Kanmani Annamalai, AGP(T)

ORDER

This Writ Petition is filed to issue a Writ of Certiorarified Mandamus to call for the records of the Respondent in proceedings Na.Ka.2758/2013/A1-1, dated 17.5.2013 and in proceedings Na.Ka.No.2758/2013/A1-1, dated 4.5.2015 and to quash the same and to direct the Respondent to reinstate the Petitioner in service as Junior Assistant.

2. This court heard the learned counsel on either side and also perused the materials placed on record.

3. The learned counsel for the Petitioner would contend that the Petitioner has been placed under suspension from 17.05.2013, which was challenged in WP.No.2208 of 2015, wherein this court directed the Respondent to consider the representation of the Petitioner dated 10.6.2014, by order dated 12.3.2015. Pursuant to the same, the impugned order dated 4.5.2016 has been passed, rejecting the said representation in view of the pendency of the present writ petitions. Thereafter, the Petitioner sent another

representation dated 11.7.2016 to revoke the suspension, which is not considered so far. However, the learned counsel for the Petitioner now has confined his argument to the limited extent of considering his representation dated 11.7.2016 within a time frame, in the light of the decision of the Honourable Supreme Court rendered in the case Ajay Kumar Choudhary Vs. Union of India (SLP(C) No.31761 of 2013, dated 16.2.2015 (2015-2-Scale-432)).

4. Admittedly, the Petitioner is placed under prolonged suspension and such a similar situation had already been decided by the Honourable Supreme Court in the case of Ajay Kumar Choudhary's case cited supra, following which, in similar circumstances, this Court passed orders to review the case of the Petitioners therein, in the light of the above said decision of the Honourable Supreme Court. Hence, the Respondent is directed to consider and dispose of the representation of the Petitioner dated 11.7.2016 of the Petitioner in the light of the decision of the Honourable Supreme Court reported in 2015-2-Scale-432 cited supra, within a period of eight weeks from the date of receipt of a copy of this order. It is made clear that withdrawal of the suspension order shall be decided, on merits and in accordance with law.

5. With the above directions, this Writ Petition is disposed of. No costs. Consequently, the connected MPs are closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

Srcm

To:

The Deputy Commissioner, Commercial Tax Department
38 Chetty Street, Sriperumbudhur, Kancheepuram.

+1cc to M/s. K. Raja, Advocate, S.R.No.46087
+1cc to the Government Pleader, S.R.No.46119

WP.No.25343 of 2016

AD(CO)
EU 30.08.16