

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.07.2016

CORAM

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

W.P.No.25670 of 2016
and
W.M.P.Nos.21994 and 21995 of 2016

P.Elumalai .. Petitioner

-vs-

1.The District Collector,
Tiruvannamalai District,
Tiruvannamalai.

2.The Personal Assistant to Collector,
O/o. District Collector,
Tiruvannamalai District,
Tiruvannamalai.

.. Respondents

Petition filed under Article 226 of the Constitution of India, for issuance of a writ of Certiorarified Mandamus calling for the records on the file of the second respondent in connection with the order passed in Na.Ka.No.10954/2014/Pa.E2 dated 23.11.2015 and quash the same and consequently direct the respondents to reinstate the petitioner into service with all consequential service and monetary benefits.

For Petitioner :: Mr.R.Chandrasekaran

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

ORDER

The petitioner has filed this writ petition to quash the order of the second respondent in Na.Ka.No.10954/2014/Pa.E2 dated 23.11.2015 and to direct the respondents to reinstate the petitioner into service with all consequential service and monetary benefits.

2.Mr.A.Kumar, learned Special Government Pleader, takes notice for the respondents.

3.It is stated by the petitioner in the affidavit filed in support of this writ petition that he was appointed as Clerk on part time basis in the fourth respondent Village Panchayat on 01.08.2001 on consolidated pay and thereafter he was appointed to the post of Panchayat Clerk. While so, the second respondent has passed an order on 23.11.2015 placing him under suspension alleging that he has produced fabricated certificate in connection with his educational qualification. The grievance of the petitioner is that even though he was placed under suspension from 23.11.2015, till date no charge memo has been issued to him. The petitioner has given a representation to the District Collector, Tiruvannamalai District on 15.12.2015 to revoke his suspension order with a request to pay subsistence allowance, but no action has been taken till now. Hence this writ petition.

4.Heard the learned counsel on either side and perused the materials available on record.

5.It is seen that the petitioner has been placed under suspension for the past seven months, without issuing any charge memo. Further, no review has taken place. Hence, the writ petition is disposed of directing the second respondent to consider the representation of the petitioner dated 15.12.2015 and pass appropriate orders, within a period of three months from the date of receipt of a copy of this order, in the light of the judgment of the Hon'ble Supreme Court in Ajay Kumar Choudhary v. Union of India, reported in (2015) 7 SCC 291, after giving sufficient opportunity to the petitioner. Consequently, the connected miscellaneous petitions are closed. No costs.

Sd/-
Assistant Registrar

/TRUE COPY/

Sub-Assistant Registrar

KM

WEB COPY

To

1.The District Collector,
Tiruvannamalai District,
Tiruvannamalai.

2.The Personal Assistant to Collector,
O/o. District Collector,
Tiruvannamalai District,
Tiruvannamalai.

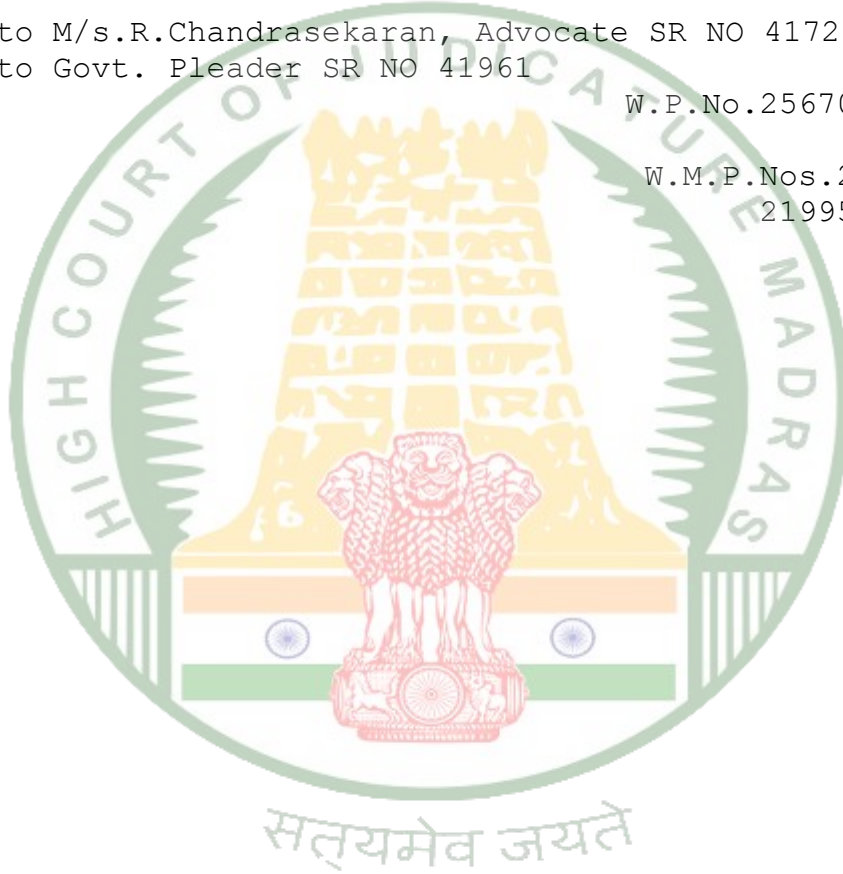
+ 1 CC to M/s.R.Chandrasekaran, Advocate SR NO 41728

+ 1 CC to Govt. Pleader SR NO 41961

W.P.No.25670 of 2016
and

W.M.P.Nos.21994 and
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RP[CO]
GP/



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