

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.01.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.2894 of 2016

and

WMP.Nos.2417 to 2419 of of 2016

P.R.Ashok

..Petitioner

Vs

1 The State of Tamil Nadu
Rep. by its Secretary,
Tamil Development,
Religious Endowments and
Information (RE2-2) Department,
Fort St. George, Chennai-9.

2 The Commissioner
Hindu Religious and
Charitable Endowments
Chennai-34.

..Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus calling for the records relating to the order of the 1st respondent in his proceedings in G.O.Ms.No.321 T.C. & R.E. and Information (RE2-2) Department dated 19.08.2011 quash the same and consequently direct the 1st respondent to reinstate the petitioner in the post of Joint Commissioner with all benefits.

For Petitioner : Mr.N.Vijay Narayan
Senior Counsel
for Mr.C.Vigneswaran

For Respondents : Mr.V.Jayaprakash Narayanan
Special Govt. Pleader

ORDER

By consent, the writ petition is taken up for final disposal at the admission stage itself.

2. Though the writ petition has been filed to quash the order of the first respondent dated 19.08.2011, the learned Senior counsel appearing for the petitioner submitted that it would be suffice to issue a direction to the respondents to consider the representation of the petitioner dated 14.10.2015.

3. According to the petitioner, he joined the services of the Tamil Nadu Hindu Religious and Charitable Endowments Departments in the year 1996 as Assistant Commissioner and promoted to the post of Deputy Commissioner in the year 2001 and further, promoted as Joint Commissioner in the year 2008. Due to the charge memo issued by the second respondent on 11.08.2011, he was placed under suspension. In this regard, the petitioner gave several representations to the respondents dated 03.01.2012, 28.04.2012, 17.12.2014 and 14.10.2015 to revoke the suspension and re-instate him into service. Since no order has been passed on the above said representations, the present writ petition has been filed.

4. Mr.N.Vijay Narayan, learned counsel appearing for the petitioner submitted that recently the Hon'ble Supreme Court in the case of Ajay Kumar Chowdary Vs. Union of India reported in 2015 (3) SLR 414 (SC), has framed guidelines for extending the suspension order. Based on the above decision, the government has issued a letter No.13519/N/2015-1, dated 23.07.2015 to review the suspension of the employees.

5. The learned Senior counsel further submitted that the petitioner was suspended on 19.08.2011, however, the respondents have not reviewed the suspension as per the judgment of the Hon'ble Supreme Court.

6. Heard the submissions of Mr.N.Vijay Narayan, learned Senior Counsel, appearing for the petitioner, and Mr.V.Jayaprakash Narayanan, learned Special Government Pleader, who accepts notice on behalf of the respondents.

7. This Court, considering the submission of the learned counsel for the petitioner and without going into the merits of the case, directs the respondents to consider the representation of the petitioner dated 14.10.2015, in the light of the judgment of the Hon'ble Supreme Court in Ajaykumar Choudhary Vs. Union of India reported in 2015 (7) SCC 291 and the government letter No.13519/N/2015-1, dated 23.07.2015, and pass appropriate orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

The Writ Petition is disposed of accordingly. No costs.
Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(AS)

//True Copy//

Sub Assistant Registrar

sms

To

- 1 The Secretary,
State of Tamil Nadu
Tamil Development,
Religious Endowments and
Information (RE2-2) Department,
Fort St. George, Chennai-9.
- 2 The Commissioner
Hindu Religious and Charitable Endowments
Chennai-34.

+ 1 cc to Mr.C. Vigneswaran, Advocate SR.4955
+ 1 cc to Government Pleader Sr.5235 & 6327

W.P.No.2894 of 2016

MSM(CO)
Eu 26.02.16

सत्यमेव जयते

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