

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 01.09.2016

CORAM

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

W.P. No.30406 & WMP Nos.26355 &26356 of 2016

T.Baskaran

.. Petitioner

Vs.

The Sub Collector/Revenue Divisional Officer,
Kancheepuram, Kancheepuram District.

.. Respondent

PRAYER : Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the entire records relating to the impugned order passed by the respondent in his proceedings Rc.627/2015/A3, dated 19.03.2015 and quash the same and consequently direct the respondent to reinstate the petitioner into service with all backwages, attendant benefits and other monetary benefits.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.A.Kumar
Spl. Government 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 dated 19.03.2015 and quash the same and consequently direct the respondent to reinstate the petitioner into service with all backwages, attendant benefits and other monetary benefits.

2. The petitioner, who was working as a Village Administrative Officer, Molachur, Sriperumpudur Taluk, is kept under suspension by an Order dated 19.03.2015. According to the petitioner, till date, his suspension has not been revoked.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. The learned counsel appearing for the petitioner, would submit that the petitioner has been kept under suspension

from 19.03.2015. Thereafter, he was not allowed to join duty. In this regard, he has made a representation to the respondent on 24.06.2016, 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. The learned Special 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 24.06.2015 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.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

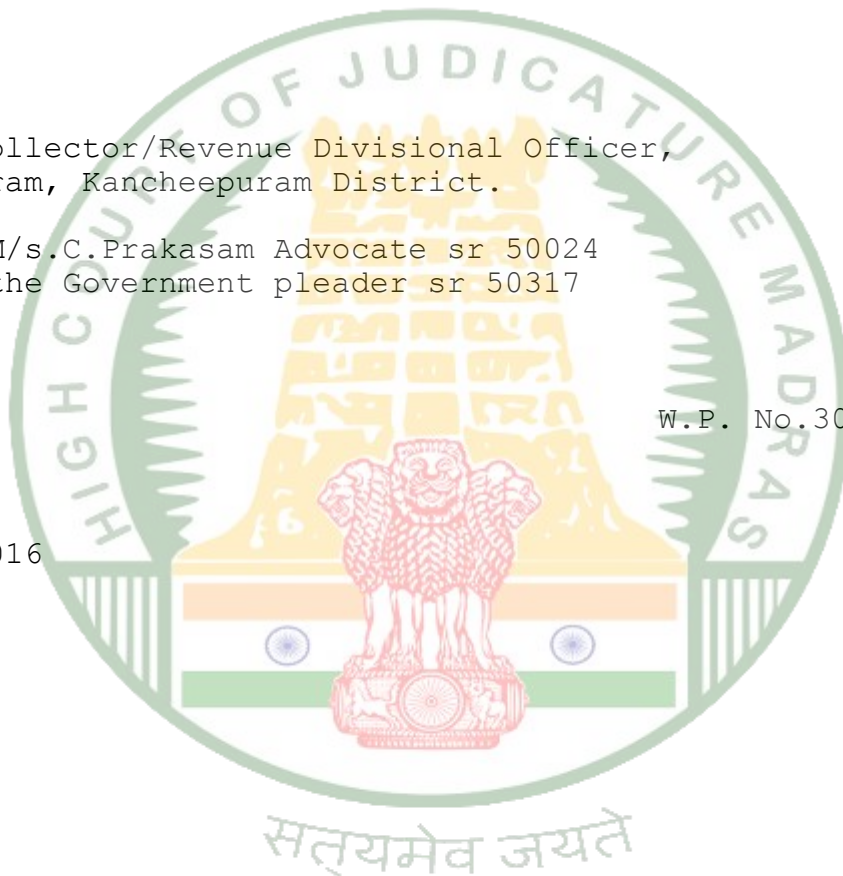
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To
The Sub Collector/Revenue Divisional Officer,
Kancheepuram, Kancheepuram District.

+1 cc to M/s.C.Prakasam Advocate sr 50024
+1 cc to the Government pleader sr 50317

W.P. No.30406 of 2016

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