

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.09.2016

CORAM:

THE HONOURABLE MR. JUSTICE R.SUBBIAH

W.P.No.31066 of 2016
and WMP.Nos.26936 and 26937 of 2016

B.Sundara Prabhu

.. Petitioner

vs.

1.The Secretary to Government
of Tamil Nadu,
Labour and Employment (M1) Department,
Fort St.George,
Chennai-600 009.

2.The Director,
Office of the Director of
Industrial Safety
and Health Department,
Chennai-600 014.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order in Letter No.11760/M1/2016-1, Labour and Employment Department Dated 19.07.2016 on the file of the first respondent as communicated vide Memo in Vu.2/35712/2015 dated 02.08.2016 by the second respondent and quash the same and consequently direct the first respondent to revoke the suspension vide G.O.(2D).No.64, Labour and Employment (M1) Department dated 30.12.2015 on the file of the first respondent and reinstate him at liberty to post them in a non-sensitive post preferably at a far off place within a reasonable time.

For Petitioner : Mr.R.Neelakandan
for M/s.P.Rajavel

For Respondents: Mr.C.Jagadish,
Special Government Pleader

O R D E R

The prayer in the writ petition is for issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order in Letter No.11760/M1/2016-1, Labour and Employment Department Dated 19.07.2016 on the file of the first respondent as communicated vide Memo in Vu.2/35712/2015

dated 02.08.2016 by the second respondent and quash the same and consequently direct the first respondent to revoke the suspension vide G.O.(2D).No.64, Labour and Employment (M1) Department dated 30.12.2015 on the file of the first respondent and reinstate him at liberty to post them in a non-sensitive post preferably at a far off place within a reasonable time.

2. The petitioner was appointed as Assistant Inspector of Factories at Sivakasi in the year 2000 and later, he was promoted as Deputy Director of Industrial Safety and Health Department in the year 2010. The petitioner, while working as Deputy Director of Industrial Safety and Health at Vellore, was placed under suspension on 22.12.2015, vide G.O.(2D).No.64, Labour and Employment (M1) Department dated 30.12.2015 with effect from 22.12.2015 pursuant to registration of criminal case in Crime No.14/2015 dated 14.12.2015 against him for the alleged commission of offence under Section 7 of the Prevention of Corruption Act, 1988 and till date, there was no progress in the criminal case. The petitioner, earlier filed a writ petition in W.P.No.23453 of 2016, challenging the order of suspension and this Court, vide order dated 18.07.2016, directed the first respondent to consider and dispose of the petitioner's representation dated 14.6.2016 in the light of the judgment of the Hon'ble Supreme Court in Ajay Kumar Choudhary's case [2015-2-Scale-432]. However, the first respondent hurriedly passed the impugned order dated 19.07.2016, without even waiting for the order copy, a non-speaking order wherein it has been simply stated that the petitioner's representation has already been considered and the Government rejected the petitioner request for reinstatement i.e., revocation of the order of suspension, which is impugned in this writ petition and the said decision was communicated by the second respondent, vide memo in Vu.2/35712/2015 dated 02.08.2016.

3. Heard the submissions of Mr.R.Neelakandan, learned counsel appearing for the petitioner and Mr.C.Jagadish, learned Special Government Pleader appearing for the respondents and also perused the materials placed before it.

4. As rightly contended by the learned counsel appearing for the petitioner the impugned order is a non-speaking order and no reason has been assigned for rejecting the request made by the petitioner and hence, on the sole ground, the impugned order warrants interference.

5. In the result, this Writ Petition is partly allowed and the impugned order in Letter No.11760/M1/2016-1, Labour and Employment Department Dated 19.07.2016 on the file of the first respondent as communicated vide Memo in Vu.2/35712/2015 dated 02.08.2016 by the second respondent is set aside and the matter is remanded back to the first respondent, who, after affording personal opportunity to the petitioner, shall pass

orders within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

jvm

To

1.The Secretary to Government of Tamil Nadu,
Labour and Employment (M1) Department,
Fort St.George,
Chennai-600 009.

2.The Director,
Office of the Director of Industrial Safety
and Health Department,
Chennai-600 014.

+1cc to M/s. P. Rajavel, Advocate, S.R.No.51979

+1cc to the Government Pleader, S.R.No.51934

NR(CO)
EU(28/09/2016)

W.P.No.31066 of 2016

सत्यमेव जयते

WEB COPY