

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.32715 of 2016

and W.M.P.Nos.28329 and 28330 of 2016

K.V.Mutharasan ... Petitioner

vs.

1.The Sub Collector,
Kancheepuram,
Kancheepuram District.

2.The Assistant Agricultural Officer,
Sriperumbudur,
Kancheepuram District.

3.The Revenue Inspector,
Madura Mangalam,
Sriperumbudur,
Kancheepuram District.

4.The Tahsildar,
Sriperumbudur,
Kancheepuram District.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of certiorarified mandamus to quash the impugned suspension order issued by the first respondent in his proceedings Rc.No.470/2016/A3, dated 23.2.2016 under Rule 17(E) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules and direct the first respondent to reinstate the petitioner into the service as Village Administrative Officer.

For Petitioner : Mr.P.Gurunathan

For Respondents : Mr.S.N.Parthasarathy,
Govt. Advocate.

ORDER

By consent, the main writ petition itself is taken up for final disposal.

2. The petitioner has come up with the present writ petition, challenging the impugned suspension order issued by the first respondent in his proceedings Rc.No.470/2016/A3, dated 23.2.2016 under Rule 17(e) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules and direct the first respondent to reinstate him into the service as Village Administrative Officer.

3. It is the case of the petitioner that he is working as Village Administrative Officer at Pichivakkam Village, Sriperumbudur Taluk. While so, the first respondent in his proceedings dated 28.2.2016 suspended him under Rule 17(e) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules on the ground that the petitioner has committed grave irregularities in preparing the list for granting crop damages relief to the farmers affected by the north east monsoon, 2015. He was placed under suspension from 23.2.2016 and even after a lapse of more than six months, no further action is made by the disciplinary authority. Hence, challenging the same, the petitioner has come up with the present writ petition.

4. Today, when the matter was taken up for consideration, learned counsel appearing for the petitioner submitted that in similar circumstances, this Court, in W.P.No.17478 of 2014 dated 10.3.2015, by relying upon the judgment of the Hon'ble Supreme Court reported in **2015 (2) SCALE 432 - Ajay Kumar Choudhary v. Union of India through its Secretary and another**, directed the respondent therein to consider the representation of the petitioner therein. Hence, following the same, similar order could be passed in this writ petition also.

5. I have also heard the learned Government Advocate, who has taken notice on behalf of the respondents.

6. Keeping the submissions made on either side, I have carefully gone through the materials available on record.

7. The relevant portion of the order dated 10.3.2015 passed by this Court in W.P.No.17478 of 2014 is usefully extracted hereunder:-

" 2. Heard the learned counsel for the petitioner and the learned standing counsel for the respondents.

3. The Supreme Court in **Ajay Kumar Choudhary v. Union of India through its Secretary and another** reported in **2015 (2) SCALE 432** has observed that suspension order should not extend beyond the period of three months.

4. The application submitted by the petitioner for review of suspension was rejected only on the ground that criminal case is pending. In view of the judgment of the Hon'ble Supreme Court cited supra, I am of the view that the matter requires fresh consideration by the first respondent.

5. In the result, the impugned order is set aside and the matter is remitted to the first respondent for fresh consideration. The petitioner is permitted to make a fresh representation. The first respondent is directed to consider the representation on merits and in the light of the observation made by the Hon'ble Supreme Court in the judgment referred to above. Such exercise shall be completed within a period of three months from the date of receipt of representation."

In this case, the petitioner is under suspension for a period of six months. Further, no charge has been framed against the petitioner.

8. In view of the above facts and circumstance of the case, though the petitioner prayed for a larger relief, instead of giving such a positive direction, I am of the opinion, it would be appropriate to direct the respondents to consider the case of the petitioner in the light of the judgment of the Hon'ble Supreme Court reported in **2015 (2) SCALE 432 - Ajay Kumar Choudhary v. Union of India through its Secretary and another**.

9. Accordingly, without going into the merits of the claim made by the petitioner, the petitioner is directed to give a detailed representation to the first respondent along with a copy of this order, within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the first respondent is directed to consider the same and pass appropriate orders, on merits and in accordance with law and also in the light of the judgment of the Hon'ble Supreme Court reported in **2015 (2) SCALE 432 - Ajay Kumar Choudhary v. Union of India through its Secretary and another**, within a period of

four weeks thereafter. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

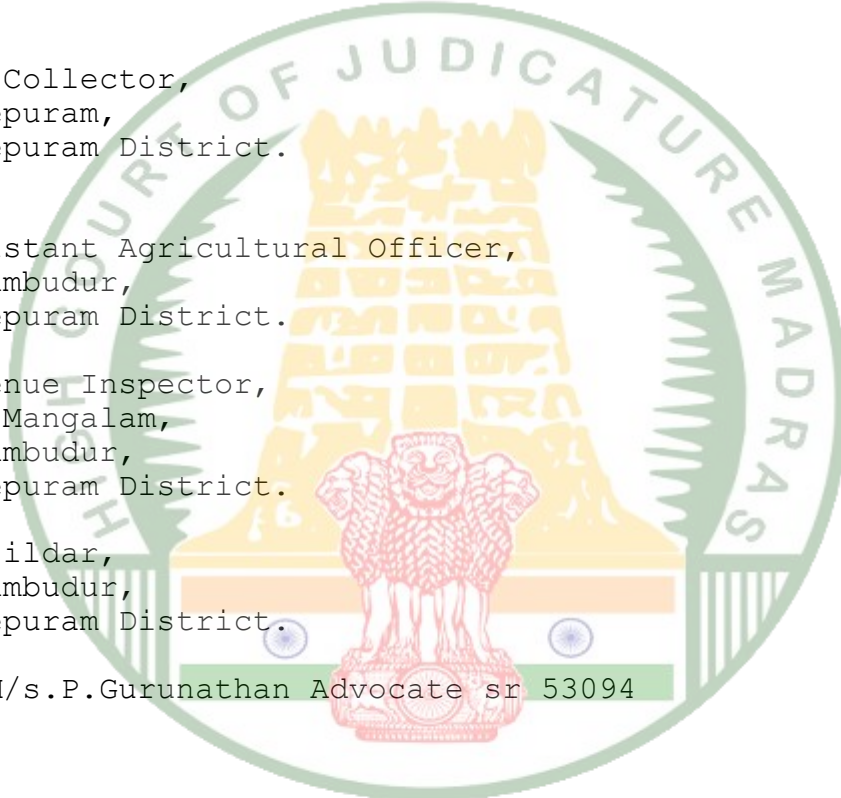
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