

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 29.01.2016

CORAM

THE HONOURABLE Mr. JUSTICE K. KALYANASUNDARAM

W.P.No.3358 of 2016

S.Govindarajan

... Petitioner

Vs

The District Collector
Salem

.... Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondent to consider and pass orders on the petitioner's representation dated 18.11.2015 with regard to review the order of suspension in the light of the Government Letter No.13519/N/2015-1 dated 23.07.2015 within a stipulated time as fixed by this Hon'ble Court.

For Petitioner : Mr.M.Ramdass

For Respondent : Mr.N.Srinivasan, AGP

O R D E R

By consent of the learned counsel on either side, this writ petition is taken up for final disposal.

2. Heard the submissions of Mr.M.Ramdass, learned counsel appearing for the petitioner and Mr.N.Srinivasan, learned Additional Government Pleader, who accepts notice on behalf of the respondents.

3. This present writ petition has been filed for issuance of writ of mandamus directing the respondent to consider and pass orders on the petitioner's representation dated 18.11.2015.

4. It is the case of the petitioner that he was appointed as Record Clerk on 05.02.1985 and thereafter, he was promoted as Special Tahsildar on 24.09.2012. He was placed under suspension by an order dated 26.11.2014 for involvement in a criminal case registered in Cr.No.27 of 2014 on the file of the Inspector of Police, District Crime Branch, Salem.

5. The petitioner would further state that he is innocent and he has not committed any offence and he is ready to face the criminal case. Since he was kept under prolonged suspension, he made a representation dated 18.11.2015 to review the order of suspension. Since no order was passed, this present writ petition has been filed.

6. Mr.M.Ramdass, learned counsel appearing for the petitioner would submit that the Hon'ble Supreme Court, in the recent judgment made in 2015[3] CTC 119 in the case of AJAY KUMAR CHOUDHARY Vs UNION OF INDIA framed guidelines for reviewing the order of suspension. Based on the judgment, the Government of Tamil Nadu has also issued instructions vide letter No.13519/N/ 2015-1 dated 23.07.2015 and this petitioner's case can be considered, in the light of the judgment of the Hon'ble Supreme Court and the letter of the Government.

7. Considering the limited prayer sought for in the writ petition and also considering the facts of the case, this court directs the respondent to consider the representation of the petitioner dated 18.11.2015 on merits and pass appropriate orders in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order, taking into consideration the judgment referred supra.

The writ petition is disposed of with the above direction. No costs.

sd/-
Assistant Registrar (Cs-VI)

/TRUE COPY/

Sub-Assistant Registrar

gya

To,

The District Collector,
Salem.

+1 CC to MR.M.Ramdass Advocate. SR.NO.6269
+1 CC to Govt.Pleader. SR.NO. 6233

W.P.No.3358 of 2016

CO-BVR
JD 11/02/2016