

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.35667 of 2016

R.Ramajayam

... Petitioner

Vs.

The State of Tamil Nadu rep by
Personal Assistant (Dev) to Collector,
Dharmapuri District.

... Respondent

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to consider the petitioner's representation 28.09.2016 to revoke the suspension order issued in Roc.No.6681/2012/K3 dated 23.09.2016.

For Petitioner : Ms.Selvi George

For Respondent : Mr.K.Dhananjayan
Special Government Pleader

O R D E R

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

2.The present writ petition has been filed seeking a Mandamus directing the respondent to consider the petitioner's representation 28.09.2016 to revoke the suspension order issued in Roc.No.6681/ 2012/K3 dated 23.09.2016.

3.The petitioner would state that he has studied upto X standard and holding Driving licence which is valid upto 2021 and joined as Driver on Compassionate grounds on 07.11.2001. During his service he had worked under many officers including Block Development Officer and P.A. to Collector, Small Savings and was presently working for A.E.E(RD) Morappur Sub Division since, 2015 and he is also a member of Tamil Nadu Government all

Department Drivers Association and was elected as a Vice President of the Association in the year, 2014. As a Vice President, it is the duty of the petitioner to take care of the grievances of the Drivers.

4.The petitioner would further state that the Drivers are entitled to receive payment of Rs.5,000/- to Rs.8,250/- for the 2016 Assembly Election Duty, depending upon the nature of work they have done and the payment have already been disbursed for all other districts except Dharmapuri and all the Drivers are continuously requesting for the disbursement of the amount. On 21.09.2016, the State President of the Association informed the petitioner that he has already spoken to the District Collector through phone and informed the petitioner to meet the District Collector.

5.The petitioner would further state that on 22.09.2016, the petitioner completed the work at 5 p.m. in the Evening and went to meet the Collector. When he went to meet the Collector, he was about to board his car. The petitioner requested him to take some urgent steps to disburse the amount as Diwali is fast approaching. Suddenly, the District Collector got angry and informed the Block Development Officer who was standing nearby to take action against the petitioner. He immediately called the Harur Police Station and the Special Sub Inspector of Police filed an FIR in Crime No.571 of 2016 under Section 294(b), 353, 506(i) of Indian Penal Code and the petitioner was arrested and remanded on the very same day and thereafter, he was granted bail by the learned Judicial Magistrate.

6.The petitioner would further state that the Block Development Officer has given the complaint stating that he was under the influence of liquor and he used unparliamentary words against the District Collector, even though, he knows that the petitioner is not under the influence of liquor and hence, the respondent suspended the petitioner under Rule 17(e) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, vide order dated 23.09.2016. In the said order, it is stated that the petitioner has done indiscipline activity against the District Collector. The petitioner after arrest was also taken to the Government Hospital, Harur for Medical test and the Doctor has certified that the petitioner is not under the influence of alcohol. Hence, the petitioner made a representation dated 28.09.2016 to the respondents to revoke the order of suspension, but the same was not considered. Hence, this petition.

7.Heard the submissions of the learned counsel appearing for the petitioner and the learned Special Government Pleader who

takes notice for the respondent.

8.Considering the submissions made on either side and without going into the merits of the case, this Court directs the respondent to consider the representation of the petitioner dated 28.09.2016, on merits and in accordance with law and pass appropriate orders, within a period of four weeks from the date of receipt of a copy of this order.

9.It is made clear that this Court has not expressed any opinion with regard to the merits of the claim made by the petitioner and it is for the respondent to decide the matter, purely on merits.

10.The writ petition is disposed of accordingly. No costs.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

To

The State of Tamil Nadu rep by
Personal Assistant (Dev) to Collector,
Dharmapuri District.

+1 CC to M/s. Selvi George, Advocate, Sr.No.59487

+1 CC to Govt., Pleader, Sr.NO.60160

W.P.No.35667 of 2016

SM (CO)
MD : 24/10/2016

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