

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.02.2016

CORAM:

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.3608 of 2016
and
W.M.P.No.2973 of 2016

Tmt.A.Chitra

.. Petitioner

vs.

1.The District Collector,
Nagapattinam District,
Nagapattinam.

2.The Revenue Divisional Officer,
Nagapattinam District,
Nagapattinam. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to consider petitioner's representation dated 30.11.2015 in terms of Circular Letter No.13519/N/2015-1, dated 23.7.2015 issued by the Principal Secretary to Government, Chennai - 9.

For petitioner : Mr.K.Sellathurai

For respondents : Mr.S.Gunasekaran,
Government Advocate

ORDER

This Writ Petition has been filed by the petitioner, namely, Tmt.A.Chitra, seeking for a Mandamus directing the respondents to consider her representation dated 30.11.2015 in terms of Circular Letter No.13519/N/2015-1, dated 23.7.2015 issued by the Principal Secretary to Government, Chennai.

2. The learned counsel for the petitioner would submit that the petitioner joined as a Village Administrative Officer on 6.5.2013 at Orathur Village. Ever since her joining, she has been discharging her duty to the utmost satisfaction of her superiors. While so, a false complaint was given against the petitioner on the ground that she demanded extra money for doing her official duty. On the basis of the complaint, a case was

registered in Crime No.10 of 2014 by the Inspector of Police, Vigilance and Anticorruption and she was arrested and remanded to judicial custody. Thereafter, she came out on bail by the order of the Special Court, Vigilance and Anticorruption, Tiruchirapalli. Pursuant to the registration of a criminal case and arrest, she was placed under suspension by the order of the 2nd respondent in R.C.No.4667/2014/A1, dated 19.9.2014.

3. Adding further, he would submit that, in this background, the grievance of the petitioner is that the Inspector of Police, Vigilance and Anti-corruption has not taken any investigation nor filed charge sheet in Crime No.10 of 2014 till date although considerable time has lapsed. The petitioner has been kept under permanent suspension, resultantly, the entire family depending on her is also facing the implications.

4. Adding further, he would submit that it is pertinent to note that the Principal Secretary to Government, issued a Letter No.13519/N/2015-1 dated 23.07.2015, following the ratio laid down in the judgment of the Apex Court in Ajay Kumar Choudhary vs. Union of India through its Secretary & ANR in Civil Appeal No.1912 of 2015 (arising out of SLP (C) No.31761 of 2013) dated 16.2.2015 stating that 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. Therefore, the suspension order issued against the petitioner shall be reconsidered. At this point, he would also submit that it is suffice if the representation of the petitioner is considered favourably.

5. Considering the above submission and the limited relief sought for in the Writ Petition, the Writ Petition is disposed of by directing the second respondent to consider the representation of the petitioner dated 30.11.2015 in the light of the Circular/Letter No.13519/N/2015-1 dated 23.07.2015 issued by the Principal Secretary to Government, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. The Writ Petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

1.The District Collector,
Nagapattinam District,
Nagapattinam.

2.The Revenue Divisional Officer,
Nagapattinam District,
Nagapattinam.

+lcc to Mr.K.Sellathurai, Advocate, S.R.No.6183
+lcc to the Government Pleader, S.R.No.6561

W.P.No.3608 of 2016
and
C.M.P.No.2973 of 2016

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srg(04/02/2016)



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