

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.38694 of 2016

and WMP.No.33146 of 2016

M.Senthil

... Petitioner

Vs

1.The Secretary to Government of Tamil Nadu,
Revenue Department,
Fort St.George,
Chennai-600 009

2.The District Collector,
Dharmapuri District,
Dharmapuri District

3.The Revenue Divisional Officer,
Dharmapuri

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of certiorarified mandamus to call for the records relating to the impugned order dated 23.7.2016 made in ROC.11230/16/A2 passed by the 2nd respondent and to quash the same consequently reinstate the petitioner in service with all monetary benefits.

For Petitioner : Mr.C.Prabakaran
For Respondents : Mr.K.Dhananjayan,
Spl. Govt. Pleader.

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 order of the second respondent dated 23.7.2016 made in ROC.11230/16/A2 and consequently, to direct the respondents reinstate him into service with all monetary benefits.

3. It is the case of the petitioner that he had participated in Group-II examination conducted by the Tamil Nadu Public Service Commission for the year 2012-14 and he was selected and appointed to the post of Revenue Assistant, Dharmapuri. After Dharmapuri Taluk was bifurcated into Nallampalli Taluk, he was transferred to the office of the Special Tahsildar, Nallampalli, as Revenue Assistant by proceedings dated 24.2.2016 and since then, he has been working there. While so, on 22.7.2016, he was called upon to the office of the Special Tahsildar, where the police officials belonging to the Vigilance and Anti Corruption Department, Dharmapuri, were present and on the basis of the complaint given by one Munusamy, a case was registered in Crime No.3/AC/16 for the offence punishable under Sections 7 and 13(1)(d) of Prevention of Corruption Act as against the petitioner and two others. Thereafter, the petitioner was arrested and subsequently, released on bail. Pursuant to the arrest of the petitioner, the second respondent has passed the impugned order of suspension dated 23.7.2016 with immediate effect. Hence, challenging the said suspension order, 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 though the petitioner has prayed for a larger relief, the petitioner is prepared to give a representation to the respondents and it would suffice, if a direction is issued to the respondents to consider the said representation 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, wherein, the Hon'ble Supreme Court has observed that suspension order should not extend beyond the period of three months.

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

6. In view of the submission made by the learned counsel appearing for the petitioner, without going into the merits of the claim projected by the petitioner, this Court directs the petitioner to give a fresh representation along with a copy of this order to the second respondent within a period of

two weeks from the date of receipt of a copy of this order and on receipt of the same, the second respondent is directed to consider the said representation 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 petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sbi

To

- 1.The Secretary to Government of Tamil Nadu,
Revenue Department,
Fort St.George,
Chennai-600 009
- 2.The District Collector,
Dharmapuri District,
Dharmapuri District
- 3.The Revenue Divisional Officer,
Dharmapuri

+1cc to Mr.C. Prabakaran, Advocate, S.R.No.63361
+1cc to the Government Pleader, S.R.No.63957

GJII(CO)
MD(29/11/2016)

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