

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.40201/2016 & WMP.No.34232/2016

P.Chidambaram

..

Petitioner

Vs.

The Managing Director,
Tamil Nadu Housing Board
No.493, Anna Salai, Nandanam
Chennai 600 035.

..

Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of certiorarified mandamus calling for the records relating to the order of rejection passed in Memo No.DC2/21447/2014 dated 04.12.2014 on the file of the respondent, quash the same and direct the respondent to revoke the order of suspension of the petitioner passed in Memo No.DC2/21447/2014 dated 31.07.2014 on the file of the respondent.

For Petitioner : Mr.V. Elangovan

For Respondent : Mr.V.Anandamoorthy, AGP

ORDER

By consent, the writ petition is taken up for final disposal. Mr.V.Anandamoorthy, learned Additional Government Pleader accepts notice on behalf of the respondent.

2 The petitioner while working as Head Surveyor in the services of the Tamil Nadu Housing Board, was caught red handed for having accepted illegal gratification of Rs.20,000/- and in this regard, a case in Cr.No.2/AC/2014/CC-V was registered by the Vigilance and Anti Corruption Detachment, Chennai, for the alleged commission of the offences punishable u/s.7 and 13[2] read with 13[1][d] of the Prevention of Corruption Act, 1988 and the petitioner was arrested and kept in custody for more than 48 hours and therefore, he was placed under suspension, vide order 04.12.2014 and challenging the legality of the same, the petitioner has filed the present writ petition.

3 The learned counsel for the petitioner would submit that in the light of the judgment reported in 2015 [7] SCC 291 [AJAY KUMAR CHOUDHARY V. UNION OF INDIA THROUGH ITS SECRETARY AND ANOTHER], the order of suspension is liable to be reviewed for the reason that admittedly, within a period of three months from the date of suspension, charge memo has not been issued and therefore, prays for quashment of the suspension order.

4 Per contra, Mr.V.Anandamoorthy, learned Additional Government Pleader appearing for the respondent would submit that in the light of the administrative instructions, given by the Personnel and Administrative Reforms Department in Letter [Ms] No.43/N/2015-3 dated 26.04.2016, criminal cases, especially the commission of the offence under the Prevention of Corruption Act, cannot be reviewed and the representation submitted by the petitioner for revocation of the order of suspension, will be considered in the light of the said administrative instructions.

5 This Court considered the rival submissions and also perused the materials placed before it.

6 Though the petitioner has prayed for a larger relief, this Court, in the light of the facts and circumstances and without going into the merits of the same, permits the petitioner to submit a representation seeking for revocation / reviewing the order of suspension within a period of two weeks from the date of receipt of a copy of this order and the respondent, on receipt of the same, is directed to consider the same in the light of the judgment rendered by the Hon'ble Apex Court in Ajay Kumar Choudhary's case [cited supra] as well as the Letter of the Personnel and Administrative Reforms Department in Letter [Ms] No.43/N/2015-3 dated 26.04.2016 and pass orders in accordance with law, within a further period of eight weeks thereafter and communicate the decision taken, to the petitioner.

7 The writ petition stands disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

AP

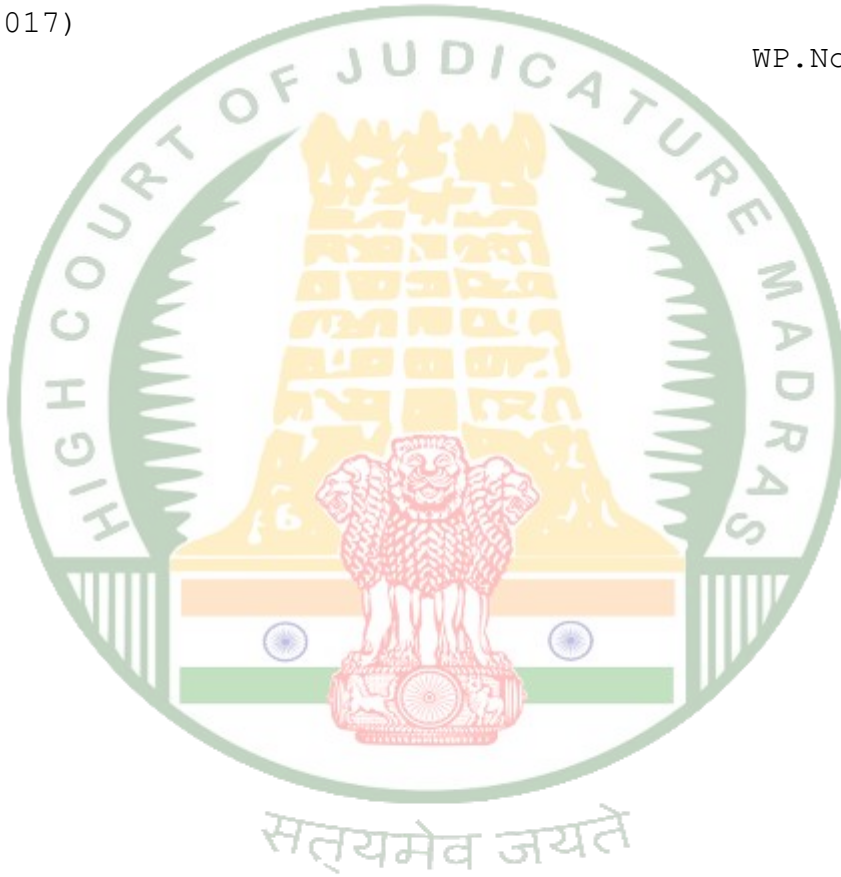
To

The Managing Director,
Tamil Nadu Housing Board
No.493, Anna Salai, Nandanam
Chennai 600 035.

+1cc to Mr.AnandhaMurthy, Advocate, S.R.No. 74512
+1cc to Mr.Dorasamy, Advocate, S.R.No. 74628

CNR(CO)
RS(18/01/2017)

WP.No.40201/2016



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