

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.12.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.43902 of 2016

J.Venugopal

... Petitioner

Vs.

1.The Secretary to Government,
Municipal Administration and
Water Supply Department,
Secretariat, Chennai - 600 009.

2.The Commissioner,
Chennai City Municipal Corporation,
Ripon Buildings,
Chennai - 600 003.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, for the issuance of writ of mandamus, directing the first respondent, the Secretary to Government, MAWS Department to consider the case of the petitioner for revocation of suspension in the light of the orders of the Hon'ble Supreme Court in the case of Ajaykumar Choudhry Vs. Union of India settling that the currency of suspension shall not exceed three months without any reasoned order justifying any continuous in the public interest and also as per the provisions under Rule 56(1)(c), within a reasonable period as may be fixed by this Court.

For Petitioner : Mr.T.Ranganathan

For Respondents: Mr.R.A.S.Senthilvel,
Additional Government Pleader [R1]
Mr.G.Anantha Rangan [R2]

O R D E R

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

2. The petitioner while holding the post of Superintending Engineer (Electrical), was placed under suspension of 28.06.2014 and subsequently, was also issued with a charge memo on 18.09.2015. The petitioner challenging the legality of the charge memo, filed W.P.No.33811 of 2015 and this Court, vide interim order dated 26.10.2015, has granted interim stay for the limited period.

3. The learned counsel appearing for the petitioner would submit that the disciplinary proceedings came to be issued purely on the basis of the audit objection and a positive recommendation has already been made by the second respondent, to permit the petitioner to go on retirement and in the light of the judgment rendered by the Hon'ble Supreme Court of India in S.L.P.No.31761 of 2013-Ajaykumar Choudhry Vs. Union of India, the order of suspension is liable to be revoked and prays for appropriate orders.

4. Per contra, Mr.R.A.S.Senthilvel, who accepts notice on behalf of the first respondent would submit that since the allegations are serious and that the Departmental proceedings are also pending, the request sought for by the petitioner cannot be granted.

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

6. Though the petitioner prayed for a larger relief, this Court in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner either in his representation or in this writ petition, directs the second respondent to consider and dispose of the petitioner's representation dated 14.11.2015 and pass orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

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

Sd/-
Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

To

1.The Secretary,
Government of Tamil Nadu,
Municipal Administration and
Water Supply Department,
Secretariat, Chennai - 600 009.

2.The Commissioner,
Chennai City Municipal Corporation,
Ripon Buildings,
Chennai - 600 003.

+1 cc to Mr.T.Ranganathan, advocate, sr.74532

+1 cc to Govt.Pleader, sr.74724.

sk(co)

krd 18/1

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