

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2016

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No.4411 of 2016

and

WMP.No.3757 of 2016

G.Yuvaraj

.. Petitioner

Vs

The Revenue Divisional Officer,
Salem

.. Respondent

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorari to call for the records pertaining to the order of the respondent herein passed in his Roc.2873/ 2013/A1 dated 07.5.2013 placing the petitioner under suspension and quash the same.

For petitioner : Mr.Ravi Shamugam

For respondent : Mr.S.Gunasekaran
Additional Government Pleader

O R D E R

This writ petition has been filed by Mr.G.Yuvaraj challenging the order passed by the respondent dated 07.5.2013 in and by which, he was placed under suspension retrospectively by invoking Rule 17 (e) (i)(ii) and (2) of the Tamil Nadu Civil Services (Disciplinary and Appeal) Rules, 1955.

2. The petitioner, who entered into service as Village Administrative Officer, was placed under suspension from service retrospectively by invoking Rule 17 (e) (i)(ii) and (2) of the Tamil Nadu Civil Services (Disciplinary and Appeal) Rules, 1955 on the ground that he demanded bribe of Rs.15,000/- on 06.5.2013 from one R.Thiyagarajam for arranging Patta Transfer Order for agricultural lands.

3. Learned counsel for the petitioner would submit that though the petitioner was placed under suspension on 07.5.2013, till date, memorandum of charges has not been served on the

petitioner, Learned counsel for the petitioner would rely on the Judgment of the Hon'ble Apex Court dated 16.02.2015 made in Civil Appeal No.1912 of 2015 (AJAY KUMAR CHOUDHARY VS. UNION OF INDIA), wherein it is held that currency of suspension order should not extend beyond three months if no charge memo/charge sheet is issued within three months time. Adding further, he would submit that the Government have also issued a circular vide letter No.13519/N/2015-1 dated 23.7.2015 fixing limitation for period of suspension consequent to the decision of the Hon'ble Supreme Court. According to him, inspite of the same, the respondents have not come forward to reconsider the case of the petitioner.

4. The learned Additional Government Pleader appearing for the respondents submitted that the case of the petitioner for revoking the order of suspension in the light of the Government Letter No.13519/N/2015-1 dated 23.7.2015 will be considered if a representation is made by the petitioner. He would submit that the petitioner without making any representation before the respondents has straightaway approached this Court by way of this writ petition.

5. Considering the submission made by the learned Additional Government Pleader, this Court directs the petitioner to make representation before the respondent for revoking the order of suspension within a period of one week from the date of receipt of a copy of this order and on such representation being made, the respondents shall consider the same in the light of the Government Letter No.13519/N/2015-1 Personnel and Administrative Reforms (N) Department dated 23.7.2015 taking note of the fact that the petitioner has been placed under suspension from 07.5.2013 and also taking note of another fact that the Government is paying 75% of the subsistence Allowance to the petitioner without extracting any work from him, within a period of four weeks thereafter.

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

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Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

The Revenue Divisional Officer, Salem.

+ 1 cc to M/s. Ravi Shanmugam, Advocate Sr.21077
+ 1 cc to Government Pleader Sr.21319

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