

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2016

CORAM:

THE HONOURABLE Mr. JUSTICE T.RAJA

W.P. No.7907 of 2016 and
W.M.P. No.7036 of 2016

S.Surulivel

.. Petitioner

-VS-

1.The District Collector,
Nagapattinam District,
Nagapattinam.

2.Sub Collector,
Mayiladuthurai,
Nagapattinam District.

.. Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 25.01.2016 in terms of Circular Letter No.13519/N/2015-1, dated 23.07.2015, issued by the Principal Secretary to Government, Chennai-9.

For petitioner : Mr.K.Sellathurai

For respondents : Mr.P.Chinnadurai,
Government Advocate

ORDER

This writ petition has been filed by the petitioner, S.Surulivel, seeking a direction to the respondents to consider the petitioner's representation dated 25.01.2016 in terms of Circular Letter No.13519/N/2015-1, dated 23.07.2015, issued by the Principal Secretary to Government, Chennai-9.

2.The case of the petitioner is that he joined as a Village Administrative Officer on 18.04.2012 at Agaravattam Village, Sirkazhi Taluk, Nagapattinam District. While in service, one Sankar, son of Packrisamy has given a false complaint against him before the Inspector of Police, Vigilance and Anticorruption, Nagapattinam, stating that he has demanded money from him. Though the said complaint is a false and frivolous one, the Inspector of Police, Vigilance and Anticorruption has registered F.I.R. on 12.09.2014 in Crime No.9 of 2014.

Therefore, the petitioner was arrested and remanded to judicial custody. Pursuant to the registration of F.I.R. and arrest, he was placed under suspension by order dated 13.09.2014 made in R.C. No.4134/2014/A3, issued by the second respondent. However, the Inspector of Police, Vigilance and Anticorruption, Nagapattinam has not even taken the investigation and not filed Charge Sheet in Crime No.9 of 2014. Therefore, the petitioner has given a representation dated 25.01.2016 to the respondents to revoke the suspension order. Though the same has been duly served, till date no action has been taken by the respondents. Therefore, he is before this Court.

3.Learned counsel appearing for the petitioner would submit that the Principal Secretary to Government had issued a Letter No.13519/N/2015-1 dated 23.07.2015, as per the judgment of the Apex Court in the case of Ajay Kumar Choudhary vs. Union of India through its Secretary & ANR in Civil Appeal No.1912 of 2015 dated 16.02.2015. In the said case, while fixing limitation on the period of suspension, the Hon'ble Apex Court has held as follows:

"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".

4.Heard the learned counsel appearing for the petitioner and the learned Government Advocate, who takes notice on behalf of the respondents.

5.Considering the facts and circumstances of the case, the respondents are directed to consider the petitioner's representation dated 25.01.2016 in terms of Circular Letter No.13519/N/2015-1, dated 23.07.2015 and pass appropriate orders, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order, if till date the investigation has not been completed and charge sheet has not been filed.

6.Accordingly, the writ petition is disposed of. No costs. Consequently, connected W.M.P. is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

vga

To

1.The District Collector,
Nagapattinam District,
Nagapattinam.

2.Sub Collector,
Mayiladuthurai,
Nagapattinam District.

+ 1 cc to the Government Pleader Sr.14107
+ 1 cc to Mr.K. Sellathurai, Advocate sR.13551

W.P. No.7907 of 2016

JSV(CO)
Eu 08.03.16



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