



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.10.2016

CORAM:

THE HON'BLE DR.JUSTICE S.VIMALA

W.P(MD) No.11086 of 2016

and

WMP(MD) Nos.8528 and 8529 of 2016

P.Vijayakumar

... Petitioner

-vs-

The District Manager cum Sub Collector,
TASMAC Ltd., Kanyakumari District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Certiorarified Mandamus calling for the records on the file of the respondent pertaining to it order bearing letter No.724/A/2013 dated 01.04.2014 and to quash the same and consequently direct the respondent to permit the petitioner to continue his job as bar supervisor in the respondent shop by considering the representation of the petitioner dated 08.01.2016.

For Petitioner : Mr.S.C.Herold Singh

For Respondent : Mr.M.Muniasamy

O R D E R

This is a writ of certiorarified Mandamus seeking to quash the order dated 01.04.2014 and consequently, direct the respondents to permit the petitioner to continue his job as bar supervisor in the respondent shop by considering the representation of the petitioner dated 08.01.2016.

2.Heard the learned counsel for the petitioner and the learned counsel for the respondent.

3.It is not in dispute that the petitioner has been placed under suspension on account of a case registered against him under Section 302 IPC, in which, his father Ponniah, is stated to be the deceased. The petitioner has been placed under suspension from 26.03.2014 onwards.

4.The learned counsel for the petitioner would submit that the prolonged suspension is against the Judgement of the Hon'ble Supreme Court in **AJAY KUMAR CHOUDHARY v. UNION OF INDIA THROUGH**



ITS SECRETARY AND ANR. reported in **2015 (2) SCALE 432**, and therefore, the order of suspension, has to be revoked.

5.The learned counsel for the respondents would suggest that the respondent are prepared to complete the enquiry within three months and therefore, if the enquiry must be directed to be completed within a time frame, that will be in the interest of both sides. This course is agreeable to the petitioner also.

6.Under such circumstances, the respondents are directed to revoke the order of suspension (prolonged suspension) and to complete the enquiry, within a period of three months from the date of receipt of a copy of this order.

7.The writ petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar (AE)

/True copy/

Sub Assistant Registrar

+1 CC to Mr.S.C.HEROLD SINGH, Advocate, SR No.67780

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