



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.08.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. (MD) No.14931 of 2016

and

W.M.P (MD) No.11006 to 11008 of 2016

M.Karuppasamy

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Aruppukottai Revenue Division,
Aruppukottai, Virudhunagar District.

2.The Tashildar,
Taluk Office,
Virudhunagar Taluk and District.

... Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the proceedings in relation to the impugned order Na.Ka.No.A1/2184/2015 dated 27.01.2016 issued by the 2nd respondent and quash the same and consequently, direct the respondent to reinstate him in service.

For Petitioner : Mr.C.Masilamani

For Respondents : Mr.M.Murugan G.A.,

ORDER

Mr.M.Karuppasamy, who is working as Village Assistant, placed under suspension now by the impugned order, dated 27.01.2016, passed by the Tashildar, Virudhunagar, has come to this Court, challenging the same to quash it on the ground that on earlier occasion, when the petitioner was placed under suspension by the Revenue Divisional Officer, Aruppukottai, by an order dated 27.07.2015, without any jurisdiction, this Court, by an order, dated 28.09.2015, accepted the case of the petitioner that the Revenue Divisional Officer is an appellate authority, therefore, the petitioner has been deprived of right to file an appeal and quashed the same. Subsequently, the Tashildar has again passed the suspension order, as a result, he has been kept under prolonged suspension. Therefore, as per a decision of the Hon'ble Apex Court in **Ajaykumar Choundhary vs. Union of India**, the impugned prolonged suspension is liable to be set aside.

2. The learned Government Advocate appearing for the



respondents would submit that the petitioner, while serving as 'Village Assistant' has forged some of the documents, therefore, enquiry has been contemplated. However, before the enquiry, he has placed under suspension. In any event, the petitioner has to make a representation/appeal before the appellate authority. Without doing so, he cannot come to this Court directly.

3. This Court finds merits on the submission of the learned Government Advocate.

4. The learned counsel for the petitioner also submitted that the petitioner has also made an application/representation before the respondents and the same is also pending quite for a long time. Therefore, the respondents are directed to consider the pending representation of the petitioner, if any, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

5. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CSI)

/True Copy/

Sub Assistant Registrar

skn

To

1.The Revenue Divisional Officer,
Aruppukottai Revenue Division,
Aruppukottai, Virudhunagar District.

2.The Tashildar,
Taluk Office,
Virudhunagar Taluk and District.

+1cc to Spl.Government Pleader Sr.No. 44908

JAM/24.10.16/SKS RR/2P-4C

W.P. (MD) No.14931 of 2016
16.08.2016