



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.09.2016

CORAM

THE HON'BLE Dr.JUSTICE S.VIMALA

W.P(MD) No.18094 of 2016

M.Abdul Bhazeer

... Petitioner

-vs-

The Registrar,
Manonmanium Sundaranar University,
Abishekapatti
Tirunelveli District - 627 012.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the Respondent to revoke the Petitioner's suspension order vide memo No. Ma.Su.Pa./Pa/Pa/Ni/E5/2016 dated 20.03.2015 passed by the Respondent by considering the Petitioner's representation dated 10.8.2016 based on the Apex Courts Judgement reported in 2015(3) CTC 119 and pass necessary orders within a stipulated time.

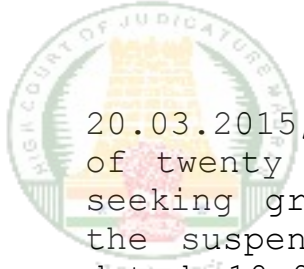
For Petitioner : Mr.I.Robert Chandra Kumar
For Respondents : Mr.E.Maris Kumar
for M/s.Ajmal Associates

O R D E R

This writ petition has been filed for the issuance of a writ of Mandamus, directing the respondent to revoke the petitioner's suspension order dated 20.03.2015, by considering the representation dated 10.08.2016, based on the Apex Court Judgement reported in 2015(3) CTC 119.

2.Heard the learned counsel for the petitioner and the learned counsel who takes notice for the respondent. By consent, the writ petition itself is taken up for final disposal at the stage of admission.

3.The petitioner was serving as a Selection Grade Attender in the respondent University. A private complaint filed against the petitioner under Section 138 and 142 of the Negotiable Instruments Act, was taken on file in C.C.No.716 of 2012 by the Thoothukudi and one year simple imprisonment was imposed against him. Hence the petitioner was placed under suspension by the order of the respondent dated



20.03.2015, till further orders being passed. Even after a lapse of twenty months, no further orders have been passed. Therefore, seeking grant of subsistence allowance as well as revocation of the suspension order, the petitioner has given a representation dated 10.08.2016 to the respondent. As the same has not been considered, the petitioner is before this Court.

4.The learned counsel for the petitioner would submit that as per the decision of the Hon'ble Supreme Court in **AJAY KUMAR CHOUDHARY v. UNION OF INDIA (UOI) AND OTHERS** reported in **2015 (3) CTC 119**, the petitioner cannot be placed under indefinite suspension.

5.The learned counsel for the respondent submitted that after the representation having been given, the petitioner was provided with subsistence allowance.

6.However, the learned counsel for the petitioner would submit that the disciplinary proceedings already initiated should be completed at the earliest point of time and the suspension order should be revoked.

7.Under such circumstances, the respondent is directed to consider the representation of the petitioner dated 10.08.2016 in the light of the decision reported in **2015 (3) CTC 119** (mentioned supra) and to pass orders on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

8.The Writ Petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar(RTI)

/True copy/

Sub Assistant Registrar

+1cc to M/s.Ajmal Associates SR.No.55106

mj
sm:KM:18/11/2016:2P/2C

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