



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.09.2016

C O R A M

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THE HONOURABLE Dr.JUSTICE **S.VIMALA**

Writ Petition (MD) No.18500 of 2016

G.SELVA PANDI

.. Petitioner

Vs.

1. THE REVENUE DIVISIONAL OFFICER,
O/O. REVENUE DIVISION OFFICE,
ARUPPUKOTTAI,
VIRUDHUNAGAR DISTRICT.

2. THE THASILDAR,
OFFICE OF THE THASILDAR,
KARIYAPATTI (TALUK),
ARUPPUKOTTAI DIVISION,
VIRUDHUNAGAR DISTRICT.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order of suspension in Na.Ka.A1/2112/2016, dated 04.05.2016 on the file of the respondent No.1 and quash the same as illegal and consequently to direct the respondent No.1 to re-instate the petitioner back in service with all consequential benefits.

For petitioner

... Mr.S.Leuis

for

Mr.T.Lajapathi Roy

For Respondents

... Mr.M.Alagudevan

Special Government Pleader

O R D E R

This writ petition has been filed challenging the order of suspension dated 04.05.2016 passed by the first respondent.



2. Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents.

3. The petitioner has served in the army for the period of 17 years, out of which, his services had been for a period of two years in Jammu and Kashmir itself. He retired from the army on and from 28.02.2006 and thereafter, he was selected as Village Administrative Office through Tamilnadu Public Service Commission in the year 2010 and he was appointed as Village Administrative Officer on 18.04.2012.

4. A criminal case came to be registered against him in Crime No.3 of 2016 by the Vigilance and Anti Corruption, dated 03.05.2016 alleging that the petitioner demanded and accepted a sum of Rs.13,000/- from one Subramanian for change of patta. Hence, the petitioner was placed under suspension by the order dated 04.05.2016.

5. It is the contention of the learned counsel for the petitioner that as per the decision of the Hon'ble Supreme Court in **AJAYKUMAR CHOUDHARY v. UNION OF INDIA (UOI) AND OTHERS** reported in **2015 (3) CTC 119**, the petitioner cannot be placed under indefinite suspension, when the enquiry having commenced. Seeking revocation of the suspension order, the petitioner has given a representation dated 15.09.2016, under which, the petitioner has given an undertaking that he will not have any interaction with the witnesses.

6. Under such circumstances, the question is whether the suspension has to be revoked or not?

7. The learned Special Government Pleader for the respondents would submit that the charges against the petitioner are serious and therefore, it is difficult to consider the representation at this stage.

8. It is to be pointed out that the respondents are expected to expedite the enquiry and to complete the enquiry, within a reasonable time, so that the petitioner need not suffer protracted suspension.

9. Under such circumstances, the respondents are directed to consider the representation of the petitioner dated 15.09.2016 and 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. In the event of declining the request of the petitioner in respect of revocation of his suspension, the enquiry shall be completed within a period of three months thereafter.



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

Sd/
Assistant Registrar (Cr1.side)

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/True Copy/

Sub Assistant Registrar

To

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VIRUDHUNAGAR DISTRICT.
2. THE THASILDAR,
OFFICE OF THE THASILDAR,
KARIYAPATTI (TALUK),
ARUPPUKOTTAI DIVISION,
VIRUDHUNAGAR DISTRICT.

+1 cc to MR.T.LAJAPATHI ROY, Advocate Sr.No.56962

+1 cc to Special Government Pleader Sr.No.57491

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SMA/SKS-RR/19/10/2016 :3P/5C