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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.11.2016

CORAM:

THE HONOURABLE DR.JUSTICE **S.VIMALA**

**W.P (MD) No.22584 of 2016**

**and**

**W.M.P (MD) No.16166 of 2016**

K.Krishnamoorthy

: Petitioner

Vs.

1.The Assistant Director of Survey and Land Records (I/C),  
Trichirapalli - 630 001.

2.The Tahsildar,  
Thottiyam Taluk, Thottiyam,  
Tiruchirapalli District.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of the first Respondent relating to Pro.R.C.No.A3/3100/2010 dated 16.07.2016 to quash the same to issue consequential direction to the first respondent to reinstate the petitioner in service with all consequential benefits.

For Petitioner : Mr.M.Ravi

For Respondents : Mr.M.Murugan,  
Government Advocate.

### **ORDER**

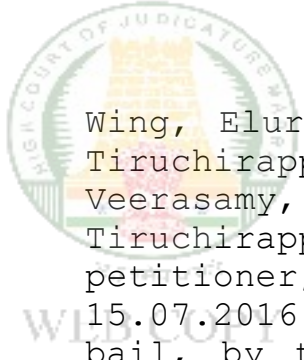
This is a Writ of Certiorarified Mandamus challenging the order of suspension passed by the first respondent dated 16.07.2016.

2.Heard the learned counsel appearing for the petitioner and the learned Government Advocate, who took notice for the respondents. By consent, the writ petition itself is taken up for final disposal.

3. The brief facts leading to the filing of this writ petition are as follows:

<https://hcservices.ecourts.gov.in/hcservices/>

The petitioner was working as Firka Surveyor, Maintenance



Wing, Elurpatty Firka, at the Office of the Thottiyam Tahsildar, Tiruchirappalli. On the basis of the complaint lodged by one Veerasamy, Vigilance and Anti Corruption Officials, Tiruchirappalli District, registered a criminal case against the petitioner, in Crime No.2016. The petitioner was arrested on 15.07.2016 and remanded to judicial custody. He was released on bail, by the Special Court, Tiruchirappalli, by the order dated 01.08.2016. The first respondent, by the proceedings dated 16.07.2016, had placed the petitioner under deemed suspension with effect from 15.07.2016.

3.1.The grievance of the petitioner is that even though, the order has been passed against the petitioner on 16.07.2016, the suspension is not reviewed after a period of three months, as per the mandate of the Judgment of the **Hon'ble Supreme Court** in **Ajay Kumar Choudhary vs Union Of India** reported in **2015 (3) CTC 119**. Therefore, the petitioner submitted a representation dated 20.10.2016 to the first respondent. As the representation is not considered, this writ petition has been filed.

4.The learned counsel for the petitioner would submit that even though the prayer is widely worded, it would suffice, if the representation of the petitioner is considered in the light of the decision of the **Hon'ble Supreme Court** in **Ajay Kumar Choudhary vs Union Of India** reported in **2015 (3) CTC 119**, wherein it has been held as follows:

"14.We, therefore, direct that 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; if the Memorandum of Charges/Charge-sheet is served a reasoned order must be passed for the extension of the suspension. As in the case in hand, the Government is free to transfer the concerned person to any Department in any of its offices within or outside the State so as to sever any local or personal contact that he may have and which he may misuse for obstructing the investigation against him. The Government may also prohibit him from contracting any person, or handling records and documents till the stage of his having to prepare his defence. We think this will adequately safeguard the universally recognized principle of human dignity and the right to a speedy trial and shall also preserve the interest of the Government in the prosecution. We recognize that previous Constitution Benches have been reluctant to quash proceedings on the grounds of delay, and to set time limits to their duration. However, the imposition of a limit on the period of suspension has not been discussed in prior case law, and would not be contrary to the



interests of justice. Furthermore, the direction of the Central Vigilance Commission that pending a Criminal investigation, Departmental proceedings are to be held in abeyance stands superseded in view of the stand adopted by us."

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5.The learned Government Advocate would submit that it is agreeable for the first respondent to consider the representation of the petitioner and to pass appropriate orders within a period of four weeks.

6.Under such circumstances, the first respondent is directed to consider the representation of the petitioner dated 20.10.2016 in the light of the decision of the **Hon'ble Supreme Court in Ajay Kumar Choudhary vs Union Of India** reported in **2015 (3) CTC 119**, 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.

7.With the above direction, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-  
Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

smn

To

1.The Assistant Director of Survey and Land Records (I/C),  
Trichirapalli - 630 001.

2.The Tahsildar,  
Thottiyam Taluk, Thottiyam,  
Tiruchirapalli District.

+1cc to Spl.Government Pleader Sr.No. 73222

+1cc to M/s POLAX LEGAL SOLUTIONS, Advocate Sr.No. 73368

JAM/10.01.2017/KM /3P-5C

ORDER MADE IN  
W.P(MD)No.22584 of 2016  
and  
W.M.P(MD)No.16166 of 2016  
25.11.2016