

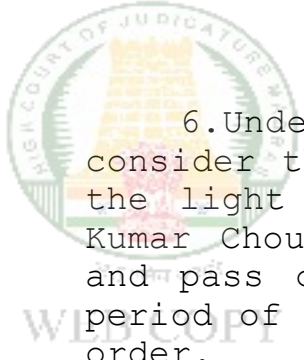


3.1. The grievance of the petitioner is that even though, the order has been passed against the petitioner on 22.07.2016, the suspension is not reviewed after a period of three months, as per the mandate of the Judgment of the Hon'ble Supreme Court in Ajay Kumar Choudhary vs Union Of India reported in 2015 (3) CTC 119. Therefore, the petitioner was made to file a representation dated 19.11.2016 to the 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Vigilance Commission that pending a Criminal investigation, Departmental proceedings are to be held in abeyance stands superseded in view of the stand adopted by us."

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



6. Under such circumstances, the respondent is directed to consider the representation of the petitioner dated 19.11.2016 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.

Sd/
Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar.

To

The Revenue Divisional Officer,
O/o. Revenue Divisional Office,
Tenkasi, Tirunelveli District.

+1CC to M/S.T.Lajapathi Roy, Advocate, SR.No. 75011
+1CC to the Special Government Pleader, SR.No. 78118

ORDER MADE IN
W.P (MD) No.22940 of 2016

smn
ANR/RR-ME/18.01.2017/3P/4C