



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.03.2016

CORAM :

WEB COPY

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

Writ Petition (MD) No.5714 of 2016

A.Gandhi

... Petitioner

Vs.

1.The Principal Secretary,
Commissioner of the Revenue Administration,
Ezhilagam, Chepakam,
Chennai 5.

2.The District Collector,
Collectorate,
Thoothukudi District.

3.The Personal Assistant (General)
to the Collector,
(Noon Meals Scheme),
Thoothukudi District,
Thoothukudi.

4.The Tahsildar,
Taluk Office, Kovilpatti,
Thoothukudi District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the Respondent Nos.2 and 3 to consider the representation dated 12.03.2016 made by the petitioner seeking for revocation of Suspension order in ROC. No.A4/39288/2014 dated 17.12.2014 on the file of the Respondent No.3 within the time stipulated by this Court.

For Petitioner
For Respondents

: Mr.T.Lajapathi Roy
: Mr.M.Murugan
Government Advocate.

ORDER

The petitioner has come up with the above writ petition seeking for the issue of a writ of mandamus, to direct the respondents 2 and 3 to consider his representation dated 12.03.2016 seeking revocation of suspension order in ROC.No.A4/39288/2014 dated 17.12.2014.

2.Heard the learned counsel for the petitioner. Mr.M.Murugan, learned Government Advocate takes notice for the respondents 1 to 4.

3.The petitioner is working as Revenue Junior Assistant in Taluk Office, Kovilpatti. He was suspended on 17.02.2014 on certain allegations. However, no charges were framed so far and hence, the petitioner moved this Court seeking for a direction to consider the order of suspension in the light of the judgment of the Supreme Court in **Ajay**

Kumar Choudhary Vs. Union of India through its Secretary and another
reported in (2015) 7 SCC 291.

4. Admittedly, the Hon'ble Supreme Court has held that the charge memo has to be issued within three months from the date of order of suspension. In this case more than one year, the respondents were not issued any charge memo and there is no acceptable reason for extending the order of suspension. Therefore, the petitioner has given a representation on 12.03.2016 seeking revocation of suspension dated 17.12.2014. Since no order has been passed so far, the petitioner has come up with the above writ petition.

5. In the light of the decision of the Supreme Court in **Ajay Kumar Choudhary's** case and followed by a circular issued by the State Government directing the department heads to abide by the time granted in the said judgment and if the charge sheet or memo of charges have to be served, then a reasoned order must be passed for the extension of the suspension, the respondents shall consider the representation of the petitioner dated 12.03.2016 and pass appropriate 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.

6. With the above direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (P&A)

/True copy/

Sub Assistant Registrar

To

1. The Principal Secretary,
Commissioner of the Revenue Administration,
Ezhilagam, Chepakam, Chennai 5.
2. The District Collector,
Collectorate, Thoothukudi District.
3. The Personal Assistant (General)
to the Collector,
(Noon Meals Scheme),
Thoothukudi District, Thoothukudi.
4. The Tahsildar,
Taluk Office, Kovilpatti,
Thoothukudi District.

+1cc to Mr. T. Lajapathi Roy, Advocate SR.No.16651

+1cc to special Government Pleader SR.No.16686

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