



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.04.2016

CORAM :

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P(MD)No.6788 of 2016

N.Balakumar

... Petitioner

Vs.

1.The Commissioner,
Municipal Administration,
Ezhilagam, Chennai.

2.The Commissioner,
Srivilliputhur Municipality,
Srivilliputhur,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the second respondent to consider and pass orders on the representation dated 29.02.2016 by revocation of my suspension order dated 29.10.2014 in the light of the judgment of the Hon'ble Apex Court reported in 2015(3) CTC 119.

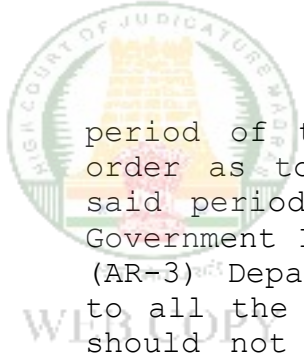
For Petitioner : Mr.D.Selvanayagam
For Respondents : Mr.P.Srinivas

ORDER

This writ petition has been filed for issuance of Writ of Mandamus directing the second respondent to consider and pass orders on the representation dated 29.02.2016 by revocation of suspension order dated 29.10.2014 in the light of the judgment of the **Hon'ble Apex Court** reported in **2015(3) CTC 119**.

2. Heard the learned counsel appearing on either side.

3. The petitioner was appointed as a Sanitary Worker on 28.10.2014 and he was arrested by the Vigilance and Anti Corruption Police, Virudhunagar by registering a FIR in Crime No. 5 of 2015 for the alleged offence under Section 7 of Prevention of Corruption Act, 1998. In the meantime, the second respondent has passed an order of suspension of the petitioner on 29.10.2014. It is stated that both in the criminal proceedings as well as the departmental action, there is no progress. Now the petitioner claims that in view of the judgment of the Hon'ble Apex Court reported in **2015(3) CTC 119** any order of suspension should not be kept pending beyond three months and if the order of suspension is extended beyond the



period of three months, then the authorities have to pass a reasoned order as to why they are keeping a person under suspension beyond the said period. In fact, the Government of Tamil Nadu has also issued a Government Letter in 13519/N/2015-1 Personnel and Administrative Reforms (AR-3) Department dated 23.07.2015 wherein instructions have been given to all the Government Departments that the currency of suspension order should not be extended beyond three months and if within that period charge memo is not served on the delinquent officer, a reasoned order must be passed for extension of the suspension. On the strength of the same, the representation was given by the petitioner on 29.02.2016.

4. Hence, there shall be a direction to the respondents to dispose of the representation dated 29.02.2016 in the light of the above said judgment of the Hon'ble Supreme Court of India as well as the above mentioned Government Letter within the period of four weeks from the date of receipt of copy of this order.

5. The writ petition stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

To

1. The Commissioner,
Municipal Administration,
Ezhilagam, Chennai.
2. The Commissioner,
Srivilliputhur Municipality,
Srivilliputhur,
Virudhunagar District.

+ 1 CC TO MR.D.SELVANAYAGAM, ADVOCATE IN SR NO. 19820

+ 1 CC TO MR.P.SRINIVAS, ADVOCATE IN SR NO. 19772

CM

TE/AN-MP/ : 22/04/2016 : 2P/5C

W.P. (MD)No.6788 of 2016
06.04.2016