



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.04.2016

CORAM :

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANAWrit Petition (MD) No.8198 of 2016

G.Muniyandi

... Petitioner

Vs.

The Executive Officer
Sivagiri Town Panchayat,
Tirunelveli District.

... Respondent

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondent to review the order of suspension dated 23.12.2015 on completion of 3 months period in the light of government letter dated 23.07.2015.

For Petitioner

: Mr.V.Vijay Shankar

For Respondent

: Mr.G.Muthukannan,
Government Advocate.ORDER

The petitioner has come up with the above writ petition seeking for the issue of a writ of mandamus, directing the respondent to review the order of suspension dated 23.12.2015 on completion of 3 months period in the light of Government letter dated 23.07.2015.

2.Heard the learned counsel for the petitioner. Mr.G.Muthukannan, learned Government Advocate takes notice for the respondents.

3.The petitioner is a sanitary worker who is deemed to be the last grade employee with the respondent panchayat. Unfortunately, he has been issued with an order of suspension on 23.12.2015. After the order of suspension was issued, charge memo was issued to him. 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.Learned counsel for the petitioner brought to the notice of this Court to the Government letter circulated to all the Heads of the Departments pursuant to the above said decision of the Supreme Court in *Ajay Kumar Choudhary's* case. The said Government letter specifically directed 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.

5.In this case, the copy of the charge memo has not been served on the learned Government Advocate and he is unable to state whether there is any reasoned order passed for extension of the suspension.



6. Be that as it may, as the charge memo has been issued to the petitioner, he shall submit his explanation for the said charges within two weeks from the date of receipt of a copy of this order. On such explanation being filed, the respondent shall consider the same and review the order of suspension. In the event, the explanation is not acceptable, the respondent shall appoint an enquiry officer within two weeks from the date of filing of such explanation and complete the enquiry within four weeks thereafter.

7. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CSI)

/True Copy/

Sub-Assistant Registrar

To

The Executive Officer
Sivagiri Town Panchayat,
Tirunelveli District.

+One cc to M/s.V.Vijay Shankar, Advocate, SR.No.20479
(WP.8196 to 8199/16)

sms
RL/3C/2P/17/5/2016

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