



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:28.04.2016

CORAM:

WEB COPY

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P (MD) No.8664 of 2016

P.Sathishkumar

... Petitioner

Vs.

The Executive Officer,
Rayagiri Town Panchayat,
Rayagiri,
Tirunelveli District.

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to review the order of suspension, dated 08.12.2015 on completion of three months period in the light of Government letter, dated 23.07.2015.

For Petitioner : Mr.V.Karthikeyan
For Respondent : Mr.G.Muthukannan,
Government Advocate

ORDER

The petitioner has come up with the above Writ Petition seeking for a Writ of Mandamus, directing the respondent to review the order of suspension, dated 08.12.2015 on completion of three 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 respondent.

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 08.12.2015. 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 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. The learned counsel for the petitioner brought to the notice of this Court to the Government letter circulated to all the Heads of Departments pursuant to the above said decision of the Supreme Court in Ajay Kumar Choudhar'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 suspension.

5. In this case, the copy of the charge memo has not been produced by the learned Government Advocate and he is unable to state whether there is any reasoned order passed for extension of 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 of 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 (Records)

/True Copy/

Sub Assistant Registrar

pm

To

The Executive Officer,
Rayagiri Town Panchayat,
Rayagiri, Tirunelveli District.

+1CC to Mr.V.Perumal Advocate Sr.No.25106

GJM/17.05.2016-2p-3C

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