



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.04.2016

CORAM :

WEB COPY

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

Writ Petition (MD) Nos.8935 to 8939 of 2016

and

WMP(MD)Nos.7117 to 7121 of 2016

M.Sudalaikani	... Petitioner in WP(MD)No.8935 of 2016
M.PALANI KASI	... Petitioner in WP(MD)No.8936 of 2016
G.MUNIYANDI	... Petitioner in WP(MD)No.8937 of 2016
R.MAHENDRAN	... Petitioner in WP(MD)No.8938 of 2016
S.PAULRAJ	... Petitioner in WP(MD)No.8939 of 2016

Vs.

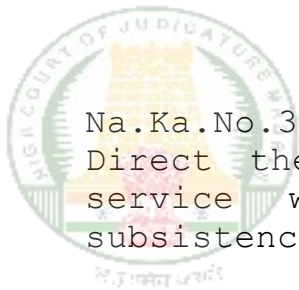
The Commissioner,
Kadyanallur Municipality,
Kadayanallur,
Tirunelveli District.

... Respondent in all WP's

Prayer in WP(MD)No. 8935/ 2016 :Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned order issued by the respondent herein in Na.Ka.No.3244/2015/C1, dated 15.10.2015 and quash the same and further direct the respondent herein to reinstate the petitioner into service with all attendant benefits including salary and subsistence allowance payable to the petitioner.

Prayer in WP(MD)No. 8936/ 2016 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order issued by the respondent herein in Na.Ka.No.3244/2015/C1 dated 15.10.2015 quash the same and further Direct the respondent herein to reinstate the petitioner into service with all attendant benefits including salary and subsistence allowance payable to the petitioner.

Prayer in WP(MD). 8937/ 2016 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order issued by the respondent herein in



Na.Ka.No.3244/2015/C1 dated 15.10.2015 quash the same and further Direct the respondent herein to reinstate the petitioner into service with all attendant benefits including salary and subsistence allowance payable to the petitioner.

Prayer in WP(MD). 8938/ 2016 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order issued by the respondent herein in Na.Ka.No.3244/2015/C1 dated 15.10.2015 quash the same and further Direct the respondent herein to reinstate the petitioner into service with all attendant benefits including salary and subsistence allowance payable to the petitioner.

Prayer in WP(MD). 8939/ 2016 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order issued by the respondent herein in Na.Ka.No.3244/2015/C1 dated 15.10.2015 quash the same and further Direct the respondent herein to reinstate the petitioner into service with all attendant benefits including salary and subsistence allowance payable to the petitioner.

For Petitioner : Mr.E.V.N.Shiva
For Respondent : Mr.G.Muthukannan,
Government Advocate.

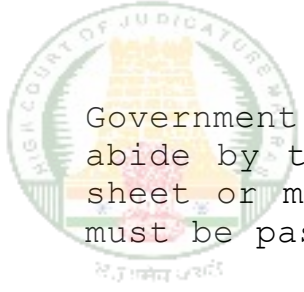
COMMON ORDER

The petitioners have come up with the above writ petitions challenging the charge memo issued against them in Na.Ka.No.3244/2015/C1, dated 15.10.2015.

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

3.The petitioners are working under the respondent Corporation. Unfortunately, they have been issued with an order of suspension vide proceedings in Na.Ka.No.3244/2015/C1, dated 15.10.2015. After the order of suspension was issued, charge memo was issued to the petitioners. Hence, the petitioners 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 petitioners 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 the cases on hand, the copy of the charge memo had not produced by 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 had been issued to the petitioners, they shall submit their 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. Subsistence allowance shall be paid to the petitioners till the completion of enquiry.

7. The writ petitions are disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

/True copy/

Sub Assistant Registrar

To

The Commissioner, Kadyanallur Municipality,
Kadayanallur, Tirunelveli District.

+5 cc's to M/s.EVN.Siva, Advocate in SR.Nos.25808 to 25812

pm

CSL/PEK/SAR-I/02.06.2016 : 3p/7c

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