

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.8 of 2017

D.Venkatesan

.. Petitioner

vs.

1. The Commissioner of Municipal Administration,
Ezhilagam,
Chepauk, Chennai-05.

2. The Commissioner,
Coonoor Municipality,
Coonoor,
The Nilgiris-643 102.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to revoke the suspension order dated 06.01.2011 considering the petitioner's representation dated 20.08.2012 and 24.11.2016.

For Petitioner : Mrs.D.Saraswathi

For Respondents : Mr.K.Dhananjayan,
Special Government Pleader

O R D E R

By consent, this Writ Petition is taken up for final disposal.

2. The petitioner, while working as Municipal Market Superintendent, came to be involved in commission of offence under Section 7 of the Prevention of Corruption Act, 1988 and in this regard, Directorate of Vigilance and Anti Corruption, Othagamandalam has also registered a case in Crime No.1/2011/AC/NI V/S7 under Section 7 of the Prevention of Corruption Act and initiated trap proceedings and it was successful and the petitioner was arrested and remanded to judicial custody. The first respondent, taking into consideration of the same, has placed the petitioner under suspension, vide order dated 06.01.2011. The petitioner has also submitted representations dated 20.08.2012 and 24.11.2016 seeking revocation on the ground that the order of suspension is

a prolonged one and since no orders have been passed, came forward with this writ petition.

3. The learned counsel appearing for the petitioner has drawn the attention of this Court to the judgment rendered by the Hon'ble Supreme Court of India in Ajay Kumar Choudhary v. Union of India [(2015) 7 SCC 291] and would submit that in the light of the ratio laid down in the above said judgment, the order of suspension is to be reviewed/revoked in the absence of any charge sheet/charge memo filed and admittedly departmental proceedings are yet to be initiated in the form of charge memo and prays for revocation of the order of suspension.

4. Mr.K.Dhananjayan, learned Special Government Pleader, who accepts notice on behalf of the respondents, would submit that the respondents have taken note of the above cited judgment as well as the administrative instructions of the Personnel and Administrative Reforms Department of the Government of Tamil Nadu in Letter (Ms)No.43/N/2015-13 dated 26.04.2016 and would further add that since the petitioner is involved in commission of offences of moral turpitude, there is no purpose in keeping him in an insignificant post and prays for dismissal of the writ petition.

5. This Court has considered the rival submissions and also perused the entire materials placed before it.

6. Though the petitioner has prayed for larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the first respondent to consider and dispose of the petitioner's representation dated 20.08.2012 and 24.11.2016, in the light of the administrative instructions of the Personnel and Administrative Reforms Department of the Government of Tamil Nadu in Letter (Ms)No.43/N/2015-13 dated 26.04.2016 and pass orders on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

7. This Writ Petition is disposed of accordingly. No costs.

s/d-
Assistant Registrar(CCC)

//True Copy//

Sub-Assistant Registrar

To

1. The Commissioner of Municipal Administration,
Ezhilagam,
Chepauk, Chennai-05.

2. The Commissioner,
Coonoor Municipality,
Coonoor,
The Nilgiris-643 102.

+1 CC to M/s. Sasindran, Advocate sr 695

+1 CC to Govt. Pleader sr 779

SSK(CO)
sp/30/1

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