

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.10012 of 2017

K.Raman .. Petitioner

-vs-

1. The Commissioner of Municipal Administration
Ezhilagam Annexe
6th Floor, Chepauk
Chennai 600 005
2. The Commissioner
Cuddalore Municipality
Cuddalore .. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the first respondent to pass orders on the representation dated 02.03.2017 acknowledged on 06.03.2017 seeking revocation of suspension by reviewing and for posting in a non-sensitive post.

For Petitioner :: Mr.L.Chandrakumar

For Respondents :: Mr.T.M.Pappiah
Special Government Pleader for R1
Mr.O.Selvam
Government Advocate for R2

ORDER

The petitioner, while serving as Assistant, was placed under suspension on an allegation of demand and acceptance of illegal gratis for issuance of non-availability of death registration at the instance of Vigilance and Anti-Corruption, by the proceedings dated 28.10.2016 passed by the Commissioner, Cuddalore Municipality with retrospective effect from 27.10.2016. From the date of suspension, he has been receiving 75% of his pay as subsistence allowance without extraction of any work. In this background, the learned counsel for the petitioner submitted that when a detailed representation has been given requesting the respondents to re-consider the suspension order, in the light of the judgment of the Apex Court in Ajay Kumar Choudhry v. Union of India, (2015) 2 Scale 432, till date, the respondents have not come forward to consider the same. Therefore, he has been advised to come to this Court

seeking a direction to the respondents to consider his representation.

2. Both the learned Special Government Pleader for the first respondent and the learned Government Advocate for the second respondent sought six weeks time to consider the pending representation of the petitioner.

3. This Court, considering the limited prayer, without going to the merits of the matter, hereby directs the respondents to consider the pending representation of the petitioner on merits and pass appropriate orders in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. Consequently, W.M.P.No.11018 of 2017 is closed. No costs.

Sd/-
Asst.Registrar (CSV)

/true copy/

Sub Asst. Registrar

To

1. The Commissioner of Municipal Administration
Ezhilagam Annexe
6th Floor, Chepauk
Chennai 600 005

2. The Commissioner
Cuddalore Municipality
Cuddalore

+2 cc's to Mr.Chandrakumar,advocate,sr.24787

+1 cc to Govt.Pleader,sr.24735.

mk(co)
krd 5/5

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