

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 02.03.2017
CORAM:
THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
W.P.No.5276 of 2017
& WMP.No.5591 of 2017

S.Kumar

.. Petitioner

Vs

1. The Director,
Adi-Dravidar and Tribal Welfare
Department, Chempauk,
Chennai - 600 005.
2. The District Adi Dravidar and
Tribal Welfare Officer,
Kanchipuram ..Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records in connection with the suspension order Rc.No.1470/2015/J2 dated 17.06.2015 passed by the District Adi Dravidar and Tribal Welfare Officer, Kanchipuram, the 2nd respondent herein and quash the same and consequently direct the respondents to revoke the suspension in the light of the order passed by Hon'ble Court in Ajay Kumar Choudhary vs. Union of India and another case.

For Petitioner : Dr.R.Sampathkumar

For Respondents: Mr.P.Sanjai Gandhi,
Additional Government Pleader.

ORDER

By consent, the writ petition itself is taken up for final disposal. Mr.Sanjai Gandhi, learned Additional Government Pleader accepts notice on behalf of 1st and 2nd respondents.

2. The petitioner, while working as B.T.Warden in Government Adi-Dravidar Welfare Boys School at Nellikuppam, said to have involved in the commission of offence under Section 6(4) TNSC(ROCS) Order 1982 r/w 7(i)(a)(iii) of the Essential Commodities Act 1955 and apprehending arrest, he filed C.M.P.No.650/2015 for anticipatory bail and by order dated 04.06.2015, the District and Sessions Court, Kancheepuram, had enlarged him on bail, in the event of arrest. The 2nd respondent, by the impugned proceedings dated 17.06.2015, has placed the

petitioner under suspension on account of his involvement in the above said criminal case. The petitioner was also issued with the charge memo dated 26.06.2015 by the 2nd respondent.

3. The grievance expressed by the petitioner is that he is kept under suspension for nearly two years and there is no progress in the criminal prosecution and since the charge memo has already been issued, there is no necessity on the part of the 2nd respondent to keep the petitioner continues to be under suspension and prays for revocation of the same.

4. Learned counsel appearing for the petitioner has drawn the attention of this Court to the Judgment of the Honourable Supreme Court reported in 2015 (7) SCC 591 (Ajay Kumar Choudhary v. Union of India) and would submit that in the light of the ratio laid down by the Honourable Supreme Court, since the charge memo has been issued, it is obligatory on the part of the respondents to record reasons for keeping the petitioner under suspension and prays for appropriate orders.

5. Per contra, Mr.Sanjai Gandhi, learned Additional Government Pleader appearing for the respondents would contend that the petitioner, being the Warden of Adi-Dravidar Students Hostel, cannot excepted to divert the food articles meant for them and taking note of the serious nature of the allegation only, the petitioner is being kept under suspension.

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

7. The Personnel and Administrative Reforms, Government of Tamil Nadu, after taking note of the above cited judgment has also issued an administrative instruction in Lr.Ms.No.43N/2015-3 dated 26.04.2016 for review the order of suspension.

8. Though the petitioner prays for a 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 2nd respondent to act on the communication of the Special Tahsildar, Adi-Dravidar Welfare, Chenglepet, in Na.Ka.No.146/2015/A1 dated 01.08.2016 and also consider and dispose of the petitioner's representation dated 02.01.2017 for revoking/reviewing the order of suspension, on merits and in accordance with law, in the light of the above cited judgment as well as the administrative instruction, and pass appropriate orders within a period of six weeks from the

date of receipt of a copy of this order and communicate the decision taken, to the petitioner. The writ petition is disposed of accordingly. No costs. Consequently, Connected MP is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

vsi

To

1. The Director,
Adi-Dravidar and Tribal Welfare
Department, Chepauk,
Chennai - 600 005.

2. The District Adi Dravidar and
Tribal Welfare Officer,
Kanchipuram

+1 cc to Government Pleader sr 13862

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