

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.10382 of 2017

P.Selvakumar .. Petitioner

-vs-

1. The State of Tamil Nadu
rep by the Secretary to Government
Animal Husbandry, Dairying &
Fisheries Department
Secretariat, Fort St George
Chennai 600 009
2. The Director
Animal Husbandry and Veterinary Services
D.M.S.Campus, Teynampet
Chennai 600 006
3. The Regional Joint Director
Animal Husbandry Department
Tiruppur and District .. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the third respondent herein to revoke the suspension and reinstate the petitioner into service by considering the petitioner's representation dated 16.02.2017.

For Petitioner :: Mr.R.Marimuthu
For Respondents:: Mr.T.M.Pappiah
Special Government Pleader

ORDER

The petitioner, while serving as Livestock Inspector Grade-I at Malamedu Sub Centre, suffered registration of a criminal case and was released on bail after his arrest on 27.3.2014. Therefore, the third respondent placed him under suspension from service with effect from 27.3.2014. Now the criminal case is also pending before the learned Judicial Magistrate, Dharapuram. Since the charge sheet has not been filed and the third respondent also has not come forward to review the suspension order, the petitioner has given a representation on 16.2.2017 to revoke the suspension order, in the light of the Government Letter No.13519/N/2015-I P & AR (N) Department dated 23.7.2015, wherein it is stated as follows:-

"(i) The currency of a suspension order should not extend beyond three months if within this period the Memorandum of Charges/Chargesheet is not served on the delinquent officer/employee;
(ii) If the Memorandum of Charges/Chargesheet is served a reasoned order must be passed for the extension of the suspension."

In spite of the representation, till date, the respondents have not considered his request. Therefore, he has come to this Court.

2. Mr.T.M.Pappiah, learned Special Government Pleader, taking notice on behalf of the respondents, sought four weeks time to consider the representation of the petitioner.

3. This Court hereby directs the third respondent to consider the representation of the petitioner dated 16.2.2017, in the light of the ratio laid down by the Apex Court in Ajay Kumar Choudhry v. Union of India, 2015 2 Scale 432 as well as the Government Letter No.13519/N/2015-I P & AR (N) Department dated 23.7.2015, and pass appropriate orders within a period of three weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

To

1. The Secretary to Government
Animal Husbandry, Dairying &
Fisheries Department
Fort St George
Chennai 600 009
2. The Director
Animal Husbandry and Veterinary Services
D.M.S.Campus, Teynampet
Chennai 600 006
3. The Regional Joint Director
Animal Husbandry Department
Tiruppur and District

+1 cc to Mr.Marimuthu,advocate,sr.24942
+1 cc to Govt.Pleader,sr.25309

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