

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.4818/2017

M. Sangeetha

...Petitioner

Vs

1. The District Collector,
Vellore District, At Vellore.

2. The Sub collector,
Thirupattur, Vellore District.

3. The Tahsildar,
Vaniyampadi, Vellore District.

...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 consider the petitioner's representations dated 25-01-2016 and 23-12-2016 and thereby direct the respondents to reinstate the petitioner into service since 22-04-2013 with all service benefits and back wages.

For Petitioner : Mr. B. Sundara Pandiyan

For Respondent : Mr. K. Dhananjayan, Spl.GP

ORDER

By consent, the writ petition is taken up for final disposal. Mr.K.Dhananjayan, learned Special Government Pleader accepts notice on behalf of the respondents.

2 The learned counsel for the petitioner would submit that the petitioner was appointed as a Village Administrative Officer vide proceedings of the 2nd respondent dated 31.05.2010 and while she was working in the said capacity at Vaniyambadi village, she was placed under suspension by the 2nd respondent on the basis of the registration of the case in Cr.No.6/2013 registered by the Vigilance and Anti Corruption Detachment, Vellore, for the commission of the offences punishable under the provisions of the Prevention of Corruption Act, 1988, for having demanded and accepted illegal gratification of Rs.1000/- from one Hajeebasha, S/o.Jakeer Ahamed, Vaniyambadi Taluk, Vellore

District on 20.04.2013, for issuing the Legal Heirship Certificate. The grievance expressed by the petitioner is that though she has been placed under suspension, as early as on 19.04.2013, there is no progress, either departmentally or in the criminal prosecution and therefore, the petitioner is constrained to approach this Court, by filing the present writ petition, praying for revocation of the order of suspension.

3 Per contra, Mr.K.Dhananjayan, learned Special Government Pleader appearing for the respondents would submit that the petitioner has involved herself in the commission of the offences of moral turpitude and she has been placed under deemed suspension and unless and until the said order of suspension is reviewed/revoked by the competent authority, the petitioner, as a matter of right and prays for dismissal of the writ petition.

4 The Court has considered the rival submissions and also perused the materials placed before it.

5 The Hon'ble Supreme Court of India, in the decision reported in 2015 [7] SCC 291 [Ajay Kumar Choudhary V. Union of India through Secretary and another], has laid down the proposition that the currency of suspension order should not extend beyond three months, if within the period, the memorandum of charges/charge sheet is not served and it is also made clear that a reasoned order must be passed for extension of the suspension. The said judgment was also considered by the Personnel and Administration Reforms Department, Government of Tamil Nadu and they also issued instructions in Lr.[Ms] No.43/N/2015-3 dated 26.04.2016 and another instruction subsequently.

6 Though the petitioner has prayed 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 consider and dispose of the petitioner's representation dated 23.12.2016 on merits and in accordance with law and pass 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.

7 The writ petition stands disposed of with the above direction. No costs.

Sd/-
Assistant Registrar

//True Copy//

AP

Sub Assistant Registrar

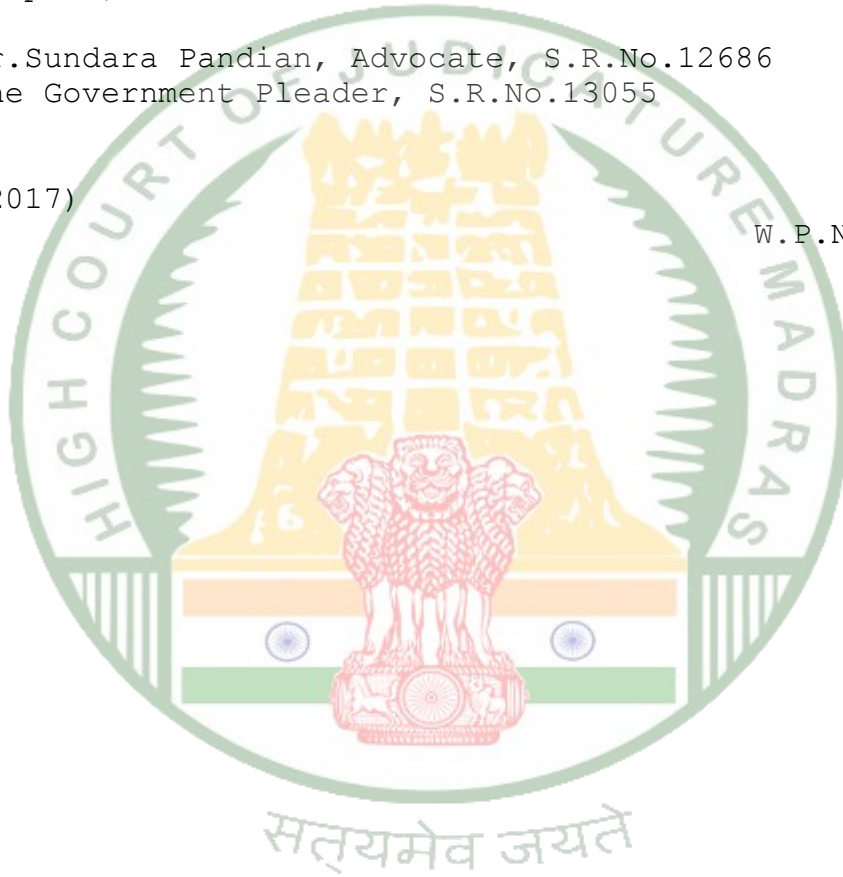
To

1. The District Collector,
Vellore District, At Vellore.
2. The Sub collector,
Thirupattur, Vellore District.
3. The Tahsildar,
Vaniyampadi, Vellore District.

+lcc to Mr.Sundara Pandian, Advocate, S.R.No.12686
+lcc to the Government Pleader, S.R.No.13055

CRS (CO)
RS (14/03/2017)

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