

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Coram

Dated: 18.01.2017

The Honourable Mr. JUSTICE M.SATHYANARAYANAN

Writ Petition No.1206 of 2017

M.Ramesh

... Petitioner

-Vs-

1. The District Welfare Officer,
O/o, the District Welfare Officer,
Adhi-Dravidar and Schedule Tribe Office,
Cuddalore District.
 2. The Special Tahsildar,
(For Adhi-Dravidar and Schedule Tribe),
Virudhachalam,
Cuddalore District.
- ... Respondents

Writ Petition has been filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the 1st respondent to regularise the period of suspension of the petitioner from 29.04.2005 to the date of reinstatement in service as duty period for all purposes with all consequential service and monetary benefits based on the petitioner's representation dated 12.05.2015 within a time frame that may be fixed by this Honourable Court.

For Petitioner : Mr.T.Elumalai

For Respondents : Mr.P.Senthilvel,
Government Advocate

O R D E R

By consent, the writ petition is taken up for final disposal. Mr.P.Senthilvel, learned Government Advocate accepts notice on behalf of the respondents.

2. The petitioner joined as a Cook in the Adi-dravidar Welfare Hostel on 18.11.1991 at Thittakudi and got transferred to Government Adi-dravidar Welfare Higher Secondary School, Dharmanallur. The petitioner was visited with criminal prosecution in the form of F.I.R. in Crime No.111/29005 dated 29.04.2005 for the alleged commission of offence under Section 363 of IPC that the petitioner has kidnapped his own brother.

The petitioner was arrested and remanded to judicial custody on 29.04.2005 and enlarged on bail on 02.05.2005 and he was placed under deemed suspension. Subsequently, further proceedings in pursuant to the registration of the FIR was dropped and it was accepted by the Court of Judicial Magistrate-II, Virdhachalam, by order dated 13.06.2014 and in pursuant to the said proceedings, the 1st respondent, vide proceedings dated 06.02.2015, has warned the petitioner and also dropped further action.

3. The grievance expressed by the petitioner is that the period of suspension is not regularised. In this regard, he submitted a representation dated 12.05.2015 to the 1st respondent through proper channel through the 2nd respondent and requested to regularize his suspension period with all service and monetary benefits. The 2nd respondent forwarded the same to the first respondent vide communication dated 02.06.2015. However, no orders have been passed. In this regard, he submitted a representation dated 12.05.2015. Since no orders have been passed, he came forward to file this writ petition.

4. Heard the submission of the learned counsel for the petitioner and Mr.P.Senthilvel, learned Government Advocate appearing for the respondents.

5. Though the petitioner 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 either in the writ petition or in the representation, directs the 1st respondent to act on the communication of the 2nd respondent dated 02.06.2015 in N.Ka.Aa.No.416/2015 and pass orders on merits and in accordance with law within a period of four 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.

सत्यमेव जयते

s/d-

Assistant Registrar(CO)

//True Copy//

Sub-Assistant Registrar

To

1. The District Welfare Officer,
O/o, the District Welfare Officer,
Adhi-Dravidar and Schedule Tribe Office,
Cuddalore District.

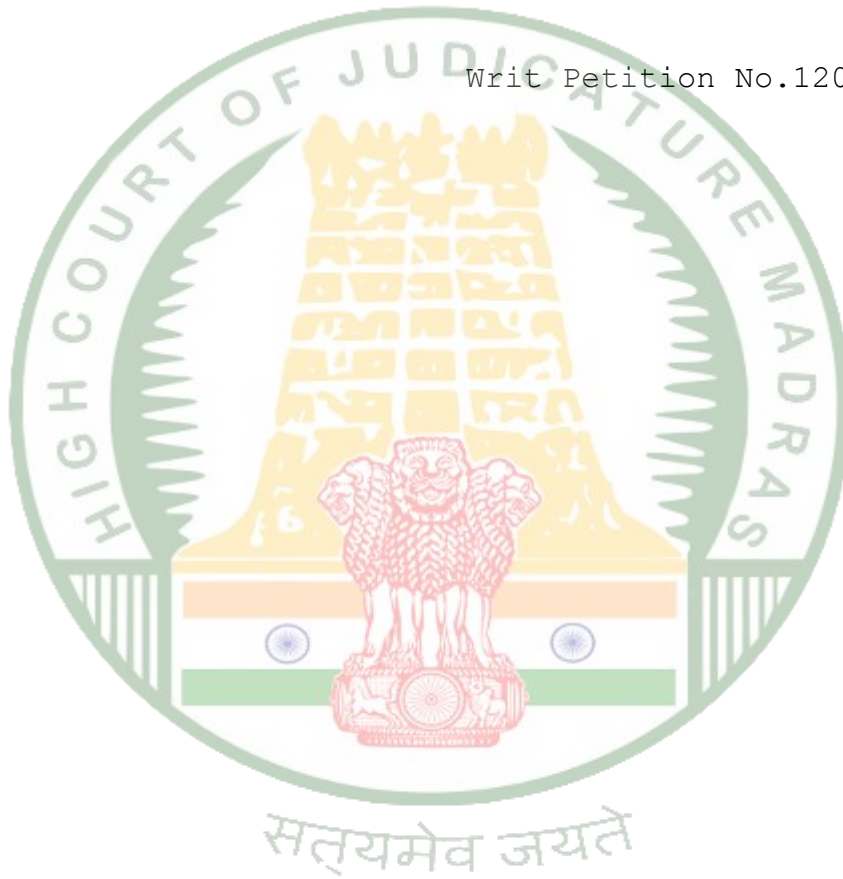
2. The Special Tahsildar,
(For Adhi-Dravidar and Schedule Tribe),
Virudhachalam,
Cuddalore District.

+1 CC to Mr. T. Elumalai sr 3428

+1 CC to Govt. Pleader sr 3749

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