

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 18.5.2017

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THE HON'BLE MR. JUSTICE M.GOVINDARAJ

W.P.No.12788 of 2017

G.Nandakumar

.. Petitioner

vs

The Principal Secretary to Government,
School Education Department,
Fort. St.George,
Chennai-600 009.

.. Respondent

This Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of mandamus directing the respondent to reinstate the petitioner by revoking the order of suspension vide G.O.(Ms)No.6 dated 05.01.2017 School Education (OP-2) Department as per judgment passed by the Hon'ble Supreme court in Ajay Kumar Choudhary Vs. Union of India reported in (2015)7 SCC 291 based on the petitioner's representation dated 13.04.2017 within a period stipulated by this Court.

For Petitioner

... Mr.R.Murali

For Respondents

... Mr.K. Thangapandi, Govt. Advocate

ORDER

This writ petition is filed by the petitioner for a direction to revoke the order of suspension vide G.O.(Ms)No.6, dated 05.01.2017, School Education (OP-2) Department.

2. The petitioner contended that he was placed under suspension following the FIR filed against him on 02.01.2017 and he was released on bail on 10.01.2017. Pursuant to the said arrest, the respondent has placed him under prolonged suspension without any reason. Hence, the petitioner made a representation on 13.04.2017 for revocation of his suspension and reinstatement of his job. As the said representation is yet to be considered, the present writ petition has been filed.

3. As per the Judgment of the Hon'ble Supreme Court in **Ajay Kumar Choudhary vs. Union of India** reported in **(2015) 7 SCC**, the learned counsel for the petitioner contended that the suspension shall not be prolonged for a long period as the suspended person has to suffer ignominy of insinuations, the scorn of society and the derision of his department even before he is charged.

4. However, the petitioner is involved in a trap case wherein he was arrested and released on bail and was placed under suspension from January 2017. I do not consider it as a prolonged suspension. However, the disciplinary authority shall review his suspension periodically and take a decision by applying his mind as to whether to revoke the suspension or continue the same depending upon the facts and circumstances of the case.

5. Therefore, a direction is given to the respondent to review the suspension order based on the representation of the petitioner dated 13.04.2017 and take a decision and this exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.

6. Writ petition is disposed of accordingly. No costs.

18.5.2017

Index:Yes/No
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M.GOVINDARAJ,J.

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To
The Principal Secretary to Government,
School Education Department,
Fort. St.George,
Chennai-600 009.

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