

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2017

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.2693 of 2017

S.Munivel

... Petitioner

Vs.

1.The District Collector,
Dharmapuri District.

2.The Special Officer/Block
Development Officer,
Phavoohalli Panchayat,
Palacode,
Dharmapuri District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 1st respondent to consider and pass orders on the representation dated 24.12.2016 with regard to revocation of the order of suspension dated 26.10.2016 passed by the 2nd respondent within a stipulated period.

For Petitioner : Mr.P.M.Jayachandran

For Respondents : Mr.K.Dhananjayan,
Special Government Pleader

O R D E R

By consent, the Writ Petition is taken up for final disposal.

2.The petitioner, while working as Sweeper/Sanitary Worker in Seeriyampatti Village, was visited with a criminal prosecution in Crime No.194/2016 registered by Marandahalli Police Station for the alleged commission of offences under Sections 294 (b) 323, 506 (i) of Indian Penal Code and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002 and he was arrested on the same day and later on released on bail and the 2nd respondent, vide impugned order dated 26.10.2016, has placed him under suspension and in this regard, he has submitted a representation dated 24.12.2016 to the 1st respondent, with a copy to the 2nd respondent, praying for revocation of the order of suspension and since it is yet to be disposed of, has come forward to file this Writ Petition.

3.The learned counsel appearing for the petitioner has drawn the attention of this Court to the judgment of the Hon'ble Supreme Court in Ajay Kumar Choudary Vs. Union of India through its Secretary and another [(2015) 7 Supreme Court Cases 291] and would submit that the order of suspension has to be reviewed within three months from the date of the order and though the petitioner was placed under suspension as early as on 26.10.2016, the order of suspension has not been reviewed/revoked and prays for appropriate orders.

4.Heard the submissions of the learned counsel appearing for the petitioner and Mr.K.Dhananjayan, learned Special Government Pleader, who accepts notice for the respondents.

5.The Hon'ble Supreme Court in Ajay Kumar Choudary Vs. Union of India through its Secretary and another [(2015) 7 Supreme Court Cases 291] held as follows:

"... the currency of a suspension order should not extend beyond three months, if within this period the Memorandum of Charges/Charge sheet is not served on the delinquent officer/employee; if the Memorandum of Charges/Charge sheet is served, a reasoned order must be passed for the extension of the suspension."

6.Though the petitioner prays for larger relief, this Court, in the light of the above facts and circumstances, without going into the merits of the claim projected by the petitioner either in his representation or in this Writ Petition, directs the 2nd respondent to take note of the above cited judgment as well as the Administrative Letter (MS) No.43/N/2015-13 dated 26.04.2016 issued by the Personnel and Administrative Reforms Department 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 is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1.The District Collector,
Dharmapuri District.

2.The Special Officer/Block Development Officer,
Phavohalli Panchayat,
Palacode,
Dharmapuri District.

+1cc to M/s. P.M. Jayachandran, Advocate, S.R.No.7082
+1cc to the Government Pleader, S.R.No.7452

MP(CO)
EU 23.2.17

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