

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.2713 of 2017
and WMP.No.2655 of 2017

A.Velusamy .. Petitioner
vs.

1.The Additional Director
General of Police &
Inspector General of Prisons,
Egmore, Chennai-600 008.

2.The Superintendent,
Central Prison, Coimbatore.

3.M. Murugesan ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records of the second respondent with relating to the order of suspension dated 08.12.2016 bearing No.19339/G4/2016 and quash the same as illegal and further direct the 2nd respondent to reinstate the petitioner in service as Cook in the Central Prison, Coimbatore.

For Petitioner :Mr.R.Sankarasubbu

For Respondents:Mr.R.A.S.Senthilvel
Additional Govt. Pleader for R1 and R2

O R D E R

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

2. The petitioner, while working as Cook in the Central Prison, Coimbatore was placed under suspension by the second respondent, vide proceedings dated 08.12.2016 under Rule 17(e) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules on the ground that he has received a sum of Rs.4,000/- from one Thiru.Shanjahan, friend of Convict No.76464, S.Nagendran, S/o.Subramani, with an assurance to remit Rs.3,000/- to the PCP account of the above convict and Rs.1,000/- to carryout the above said work.

3. Mr.R.Sankarasubbu, learned counsel appearing for the petitioner would submit that with regard to procuring cooking materials in the prison, the petitioner has committed certain irregularities and only in order to punish him, the above said false complaint came to be lodged, based on which he was placed under suspension and would further submit that the petitioner was also issued with a charge memo dated 28.12.2016 and thereafter, the petitioner has also submitted his representation dated 30.12.2016 praying for revocation of the order of suspension and in the light of the above facts and circumstances pleaded, prays for appropriate orders.

4. Per contra, Mr.R.A.S.Senthilvel, learned Additional Government Pleader, who accepts notice on behalf of the respondents 1 and 2, would submit that based on the statement of the witnesses only, the petitioner was placed under suspension and since the charge memo has already been issued, disciplinary proceedings will be expedited and concluded as expeditiously as possible.

5. This Court has considered the rival submissions and also perused the entire materials placed before it.

6. The Hon'ble Supreme Court of India in Ajay Kumar Choudhary v. Union of India and Another [(2015) 7 SCC 291] has considered the case of prolonged suspension and directed that 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 and if memorandum of charges/charge-sheet is served, a reasoned order must be passed for extension of suspension.

7. In the light of the ratio laid down in the above cited judgment, this Court permits the petitioner to submit a fresh representation to the respondents 1 and 2 praying for revocation/reviewing the order of suspension, within a period of two weeks from the date of receipt of a copy of this order along with a copy of this order and the second respondent, on receipt of the same, is directed to consider and dispose of the said representation and pass appropriate orders on merits and in accordance with law within a period of four weeks thereafter and communicate the decision taken, to the petitioner.

8. This Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

jvm

To

1.The Additional Director General of Police &
Inspector General of Prisons,
Egmore, Chennai-600 008.

2.The Superintendent,
Central Prison, Coimbatore.

+1cc to Mr. R. Sankarasubbu, Advocate, S.R.No.7091

+1cc to the Government Pleader, S.R.No.7468

PA(CO)
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W.P.No.2713 of 2017

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