



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.04.2017

WEB COPY

CORAM :
THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) No.19089 of 2015

S.S.Porchelian,
Junior Engineer (Under Suspension)
Public Works Department,
Chittar Basin Section,
Kadayanallur,
Tirunelveli District.

... Petitioner

Vs.

The Engineer-in-Chief, WRD and
Chief Engineer (General), Public Works Department,
Chepauk, Chennai - 5.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue as Writ of Mandamus directing the respondent to revoke the petitioner's suspension order in view of the letter issued by the Principal Secretary in his letter No.13619/N/2015, dated 23.07.2015 within a stipulated time that may be fixed by this Court.

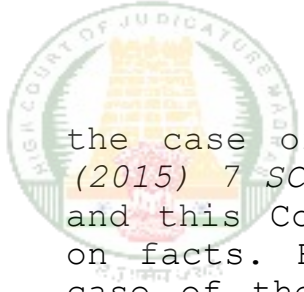
For Petitioner : Mr.T.S.R.Venkatramanan
For respondent : Mr.N.S.Karthikeyan
Additional Government Pleader

ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus directing the respondent to revoke the petitioner's suspension order in view of the letter issued by the Principal Secretary in his letter No.13619/N/2015, dated 23.07.2015 within a stipulated time that may be fixed by this Court.

2.Heard the learned counsel for the petitioner and learned Additional Government Pleader appearing for the respondents.

3.On the similar set of facts, this Court has dismissed similar Writ Petition in W.P.(MD) No.12765 of 2016 by order dated 23.03.2017, holding that in a case where the criminal case is pending, the suspension of the petitioner cannot be revoked merely because the disciplinary proceedings is not proceeded further or a charge memo was not issued within a reasonable time. In the judgment of this Court, the judgment of Hon'ble Supreme Court in



the case of *Ajay Kumar Choudhary v. Union of India* reported in (2015) 7 SCC 291 and few other cases of this Court were considered and this Court distinguished the judgment cited before this Court on facts. However, it is open to the respondent to consider the case of the petitioner on merits, if the petitioner convince the respondents for revocation of the order of suspension on other grounds and taking into consideration the possibility of transferring the petitioner to a non-sensitive post. Hence, the Writ Petition is dismissed. However, the petitioner is directed to make a fresh representation before the respondents for revocation of suspension. On receipt of such representation, the respondents are directed to consider the representation and pass appropriate orders on merits and in accordance with law within a period of six weeks thereafter. No costs.

Sd/-

Assistant Registrar(CS II)

/True Copy/

Sub-Assistant Registrar

SRM/lis

To

The Engineer-in-Chief, WRD and Chief Engineer (General),
Public Works Department, Chepauk, Chennai - 5.

1CC TO M/S. T.S.R. VENKATRAMANA, ADVOCATE SR: 52641

1CC TO THE SPL GOVT PLEADER SR: 52780

KK SKN RSK SAR 3/

21/04/2017

2P 4C

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