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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.09.2017**

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

and

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.A. (MD) No.1251 of 2017

against W.P No.14574/2014

and

C.M.P. (MD) No.8791 of 2017

1.The State of Tamil Nadu,
Represented by its Secretary,
Rural Development Department,
St.George Fort,
Chennai- 600 009.

2.The District Collector,
Kanyakumari District,
Nagercoil.

3.The Block Development Officer (Panchayats),
Munchirai Panchayat Union,
Puthukadai Post,
Kanyakumari District.

... Appellants/Respondents

Vs.

P.Nirmal Nesakumar

... Respondent/Petitioner

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent, to set aside the order dated 24.11.2016 passed in W.P. (MD) No.14574 of 2014 on the file of this Court.

Prayer in WP(MD). 14574/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarifiedf Mandamus, to call for the records in pursuant to the impugned suspension order issued by the 2nd Respondent in Roc No. V3/ 14179/2014 dated 02.07.2014 and quash the same and consequently to Direct the Respondents to reinstate the petitioner in Service with all attendant and monetary benefits.



For Respondent

: Mr.M.Saravana Kumar

JUDGMENT

[Judgment of the Court was delivered by **G.R.SWAMINATHAN, J.**]

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This writ appeal is directed against the order dated 24.11.2016 made in W.P.(MD)No.14574 of 2014 filed by the respondent herein.

2.The respondent herein was suspended by order dated 02.07.2014. This was because a criminal case was registered against the respondent and he was also arrested and remanded to judicial custody. The said case is still pending.

3. Admittedly, the detention period exceeded 48 hours. Hence the order of suspension was rightly passed. It is also now pointed out that the suspension was reviewed and by orders dated 16.07.2015 and 10.11.2015 the suspension was directed to be continued; that there was a review of suspension was not brought to the notice of the learned Single Judge.

4.The suspension was directed to be revoked, since this aspect was not informed to the learned Single Judge. We therefore set aside the order dated 24.11.2016 made in W.P.(MD)No.14574 of 2014. The authorities shall however review the matter in the light of the decision rendered by Honourable Supreme Court in **Ajay Kumar Choudhary Vs. Union of India** reported in **2015(7) SCC 291**.

5.This writ appeal stands allowed. If pursuant to the order made in writ petition, the suspension order was revoked, the same shall stand set aside. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

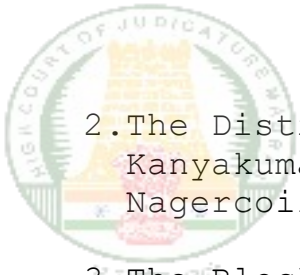
Assistant Registrar(Ad-II)

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Sub Assistant Registrar

TO

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Kanyakumari District.

+1cc to M/S.M.SARAVANA KUMAR, Advocate SR.No. 80686

+1cc to SPECIAL GOVERNMENT PLEADER, SR.No. 80961

RMI

JS/SV.MMS/SAR.2/6.11.2017/3P-6C

Judgment made in
W.A. (MD) No.1251 of 2017
against W.P No.14574/2014
and
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