



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:28.04.2017

CORAM:

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THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.A. (MD) Nos.462 of 2017
&
C.M.P. (MD) .No.4170 of 2017

The Principal Secretary cum Commissioner,
of Commercial Taxes, Chepauk,
Chennai-600 005.

...Appellant/Respondent

Vs.

G.Chelliah
Commercial Tax Officer (Under Suspension),
W5/295/D, Chatrapatti Road,
Aranmanaipudur,
Theni-625 531.

... Respondent/Petitioner

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent against the order in W.P.(MD).No.18326 of 2015, dated 01.08.2016.

Prayer in WP(MD)No.18326 of 2015:-

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records on the file of the respondent in connection with the impugned order of suspension passed by him in his Proceedings in No.E2/39016/2013 dated 27.12.2013 and consequential impugned orders, rejecting the revocation of suspension passed by him in his proceedings in Ref. No.E2/39016/2014 and Letter No.E2/39016/2013 dated 01.09.2014 and 21.10.2014 respectively and quash all as illegal and arbitrary and consequently direct the respondents to reinstate the Petitioner in service with all service and monetary benefits of purview of the Government Letter issued in No.13519/N/2015-1 dated 23.07.2015 issued by the Principal Secretary to Government, Personnel and Administrative Reforms (N) Departmental as well as on the orders passed by this Court in similar Writ Petitions.



For Appellant : Mr.Raja Karthikeyan
Additional Government Pleader

For Respondents : Mr.G.Thalaimutharasu

JUDGMENT

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[Judgment of the Court was delivered by T.S.SIVAGNANAM, J]

This appeal is by the Government namely the Principal Secretary cum Commissioner, of Commercial Taxes, Chepauk, Chennai, against the order dated 01.08.2016 in W.P.(MD).No.18326 of 2015.

2. The respondent/writ petitioner filed the said writ petition to quash the order of suspension passed against him dated 27.12.2013 and the order of rejection of the prayer to revoke the suspension by order dated 21.10.2014 and to direct the appellant to reinstate the respondent in service with all monetary benefits in the light of the order issued by the Government, dated 23.07.2015. The writ Court after considering the factual matrix and taking note of the legal position as enunciated by the Honourable Supreme Court in the case of Ajay Kumar Choudhary Vs. Union of India in Civil Appeal No.1912 of 2015 and the other decisions of the Division Bench allowed the writ petition and directed the appellant to revoke the order of suspension and post the respondent in a non sensitive post, within a time frame.

3. The above-said judgment of the Hon'ble Supreme Court has been followed by this Court in K.Selvamani v. The State of Tamil Nadu reported in 2017 (1) CTC 795. A recent decision of a Division Bench of this Court reported in 2017 (1) CTC 729 (M.S.Jaffar Sait v. Union of India) has re-affirmed this view.

4. In the light of the above, no grounds have been made out to interfere with the order passed by the Writ Court. The Writ Appeal fails and the same is dismissed. The appellant is directed to implement the order passed in the writ petition within a period of 8 weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub-Assistant Registrar

To

The Principal Secretary cum Commissioner,

of Commercial Taxes, Chepauk, Chennai-600 005.

+One cc to Mr.G.Thalaimutharasu, Advocate, SR.No.54919

jikr

RL/3C/2P/SV/SAR3/17.5.2017

WA(MD) No.462 of 2017