



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 06.09.2017

CORAM :

THE HONOURABLE MR.JUSTICE T.RAJA

WP(MD)No.15331 of 2017

and

W.M.P. (MD)No.12145 of 2017

M.Syed Abudhahir

... Petitioner

vs.

1.The District Collector,
O/o. the District Collector Office,
Nagercoil,
Kanyakumari District.

2.The Assistant Director,
Town Panchayat,
Nagercoil Zone,
Kanyakumari District.

... Respondents

Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari, calling for the records relating to the impugned suspension order passed by the first respondent in his proceedings in Na.Ka.No.1747-1/2017/PA4, dated 23.03.2017 and quash the same as illegal, within a period that may be stipulated by this Court.

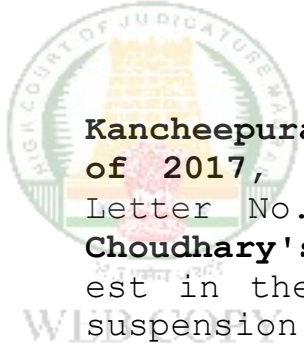
For Petitioner : Mr.M.Ajmalkhan
Senior Counsel
for M/s.Ajmal Associates

For Respondents : Mr.R.Karthikeyan
Additional Government Pleader

ORDER

The petitioner has come to this Court questioning the correctness of the suspension order passed by the District Collector, Nagercoil, Kanyakumari District, dated 23.03.2017, on the ground that after placing him under suspension in the month of March 2017, till date, neither the respondents have come forward to issue charge memo against the petitioner nor any charge sheet has been filed before the Criminal Court.

2.Moreover, as per the ratio laid down by the Hon'ble Apex Court in the case of **Ajay Kumar Choudhary Vs. Union of India and another** reported in **2015 (7) SCC 291**, the order of suspension has not been till date reviewed. Recently, a Division Bench of this Court in the case of **The District Collector, Chengalpattu,**



Kancheepuram District and another Vs. K.Devendran [W.A.(MD)No.613 of 2017, dated 15.06.2017] while referring to the Circular in Letter No.43634/N/2016-1, dated 20.12.2016 and also **Ajay Kumar Choudhary's** case [supra] has held that the said circular is non-est in the eye of law. In view thereof, the impugned order of suspension keeping the petitioner under prolonged suspension is liable to be set aside, it is pleaded.

3.The learned Additional Government Pleader appearing for the respondents sought time to file counter. However, this Court is of the view that in stead of giving time to the respondents to file counter, it would be appropriate to direct the respondents to consider the petitioner's pending representation, dated 07.07.2017. Accordingly, the respondents are directed to consider the representation of the petitioner dated 07.07.2017 in the light of the judgment passed by the Hon'ble Apex Court in **Ajay Kumar Choudhary's** case [supra] and also the judgment of the Division Bench of this Court in the case of **The District Collector, Chengalpattu, Kancheepuram District and another Vs. K.Devendran [W.A.(MD)No.613 of 2017, dated 15.06.2017]**, and pass appropriate orders in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

1.The District Collector,
O/o. the District Collector Office,
Nagercoil,Kanyakumari District.

2.The Assistant Director,
Town Panchayat,
Nagercoil Zone,Kanyakumari District.

+1cc to M/S.AJMAL ASSOCIATES, Advocate SR.No.77141
+1cc to Special Government Pleader, SR.No.77473

SMN2

MAS/KK/SAR1:25.09.2017:2P-5C