



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **12.09.2017**

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.(MD)No.17181 of 2017

and

W.M.P(MD)No.13751 of 2017

K.Sankaran

: Petitioner

Vs.

The Director of Medical and Rural Health Service,
O/o. Directorate of Medical and Rural Health Services,
Chennai - 600 006. : Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of 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 Ref.No.45859/SCI/1/2013 dated 22.07.2013 and quash the same as illegal and arbitrary and consequently direct the respondent to reinstate me in service with all service and monetary benefits in purview of the Government Letter issued in No.13519/N/2015-1 dated 23.07.2015 issued by the Principal Secretary to Government, Personnel & Administrative Reforms (N) Department as well as on the orders passed by this Hon'ble Court in similar writ petitions.

For Petitioner : Mr.K.Mahendran

For Respondents : Mr.R.Karthikeyan
Additional Government Pleader

O R D E R

By consent of both parties, the writ petition itself is taken up for final disposal.

2.While the petitioner was serving as Assistant in the office of the Joint Director of Health Services, Tirunelveli @ Tenkasi, he was placed under suspension, from 18.07.2013 by the respondent vide proceedings in Ref.No.45859/SCI/12013 dated 22.07.2013, under Rule 17 (e) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, on allegation that the petitioner demanded a sum of Rs.10,000/- to give the same to the Joint Director of Health Services, for getting the relieving order.

3.The learned counsel for the petitioner would submit that the Vigilance and Anti corruption Department have completed their



investigation and thereupon filed the charge sheet on 28.08.2014 before the learned Chief Judicial Magistrate cum Special Judge, Tirunelveli. However, the trial is yet to commence.

4. Since, the petitioner was kept under prolonged suspension, he has given representations to revoke his suspension on various dates namely 21.12.2013, 28.02.2014, 22.04.2014, 07.07.2014, 27.08.2015, 02.11.2015, 18.03.2016, 06.04.2016 and 18.05.2017. But, till date, the respondents have not come forward to revoke the suspension order. However, they have chosen to enhance the subsistence allowance vide proceedings in Ref No.45859/SC1/1/2013 dated 16.08.2016. As four years have passed, the respondents have not come forward to revoke the suspension order. Even, G.O.Ms.No.40, P & A.R. (N) Department dated 30.01.1996 states that the period of suspension shall not extend more than six months as per Clause 4 (iii). Since there is no response for any one of the petitioner's representations mentioned as above, the petitioner has come to this Court with the present writ petition.

5. The Division Bench of this Court in W.P.Nos.29195 of 2010 etc., relying on the judgment of the Apex Court in the case of **Ajay Kumar Choudhary Vs. Union of Indian** reported in **2015 7 SCC 291**, has held that period of suspension should not extend beyond three months.

6. Hence, this Court following the order of the Division Bench of this Court, hereby directs the respondent to consider the representations of the petitioner in the light of the judgment of the Apex Court in the case of **Ajay Kumar Choudhary Vs. Union of Indian** reported in **2015 7 SCC 291**, within a period of four weeks from the date of receipt of a copy of this order.

7. The writ petition is disposed of with the above direction. No Costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(crl side)

/True Copy/

Sub Assistant Registrar

To

The Director of Medical and Rural Health Service,
O/o. Directorate of Medical and Rural Health Services,
Chennai - 600 006.

+1cc to M/S.K.MAHENDRAN, Advocate SR.No.78264

+1cc to Special Government Pleader, SR.No. 78603

MR/MRN

MAS/JC/SAR1:22.09.2017:2P-4C

W.P. (MD) No.17181 of 2017
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