



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.12.2017

C O R A M

WEB COPY

THE HONOURABLE MR.JUSTICE **P.D.AUDIKESAVALU**

W.P.(MD)No.20121 of 2017

and

W.M.P.(MD) No.16414 of 2017

M.Govindaraj

... Petitioner

Vs.

1.The Commissioner of Sugar Mills,
Tamil Nadu Sugar Corporation,
No.690, Annasalai,
Nandhanam,
Chennai - 600 035.

2.The Chief Executive Officer,
Arignar Anna Sugar Mills Ltd,
Kurunkulam,
Thanjavur District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the constitution of India, to issue a writ of Certiorarified Mandamus, calling for the records of the second respondent in Na.Ka.No.Pa/Aa/822/2016/B5 dated 30.06.2016 and quash the same and further direct the second respondent to reinitiate the petitioner in the same within a time frame fixed by this Court.

For Petitioner	:	Mr.J.Vijayaraja
For R1	:	Mr.R.Velmurugan
		Government Advocate
For R2	:	Mr.K.Saravanan

O R D E R

The Writ Petition has been filed to call for the records of the second respondent in Na.Ka.No.Pa/Aa/822/2016/B5, dated 30.06.2016 and to quash the same and further direct the second respondent to reinitiate the petitioner in the same within a time frame fixed by this Court.

2.When the matter is came up for hearing on 02.11.2017, this Court has passed the following order:

"Mr. R. Velmurugan, learned Government Advocate, takes notice on behalf of the respondents.

2.The petitioner has challenged his suspension from



service pending disciplinary enquiry made vide order in Na.Ka.No.Pa/Aa/822/2016/B5 dated 30.06.2016 by the second respondent in this writ petition.

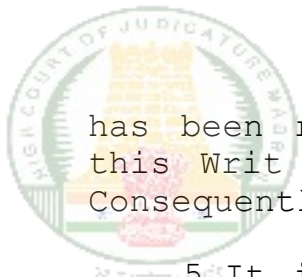
3.The Hon'ble Supreme Court of India, in the case of **Ajay Kumar Choudhary Vs. Union of India Through its Secretary and another** reported in **2015 (7) SCC 291**, at paragraph No.21 has laid down the legal position, regarding to the review of suspension orders, which reads as follows:-

"21.We, therefore, direct that the currency of a suspension order should not extend beyond three months if within this period the memorandum of charges/charge-sheet is not served on the delinquent officer/employee; if the memorandum of charges/charge-sheet is served, a reasoned order must be passed for the extension of the suspension. As in the case in hand, the Government is free to transfer the person concerned to any local or personal contact to any department in any of its offices within or outside the State so as to sever any local or personal contact that he may have and which he may misuse for obstructing the investigation against him. The Government may also prohibit him from contacting any person, or handling records and documents till the stage of his having to prepare his defence. We think this will adequately safeguard the universally recognised principle of human dignity and the right to a speedy trial and shall also preserve the interest of the Government in the prosecution. We recognise that the previous Constitution Benches have been reluctant to quash proceedings on the grounds of delay, and to set time-limits to their duration. However, the imposition of a limit on the period of suspension has not been discussed in prior case law, and would not be contrary to the interests of justice. Furthermore, the direction of the Central Vigilance Commission that pending a criminal investigation, departmental proceedings are to be held in abeyance stands superseded in view of the stand adopted by us. "

4.In the light of the aforesaid dictum, the petitioner is permitted to make a representation to the second respondent on or before 10.11.2017 for revocation of the order of suspension and the second respondent is directed to consider the same and pass reasoned orders on merits in accordance with law and communicate the same to the petitioner on or before 30.11.2017.

5.Post the writ petition on 05.12.2017."

4.When the matter is came up for hearing today, it is represented by the learned counsel for the petitioner that the proceedings in **Na.Ka.No.Pa/Aa/822/2016/B5** dated 14.11.2017, the order of suspension passed by the second respondent as against the petitioner



has been revoked. As nothing survives for further adjudication, this Writ Petition is disposed of recording the same. No costs. Consequently, the connected miscellaneous petition is closed.

5. It is represented by the learned counsel for the petitioner that by another proceedings in செ.மு.ந.எண்.பஅ/822/2016/பி5 dated 10.11.2017, the respondents have imposed penalties on the petitioner to the effect that stoppage of increment for the period of three years with cumulative effect. As that was not the matter in issue in this writ petition, it is open to the petitioner to challenge the same in the manner known to law.

6. The learned counsel for the respondents would submit that certain allegations had been made in the affidavit filed in support of the present writ petition as against the respondent, which are denied and / or disputed. It is made clear that this Court has not expressed any view on the correctness or otherwise of the said allegations and the same is left open to be decided in appropriate proceedings, as and when the occasion arises.

Sd/-
Assistant Registrar (A.S)

/True Copy/

Sub Assistant Registrar

To

1. The Commissioner of Sugar Mills,
Tamil Nadu Sugar Corporation,
No.690, Annasalai,
Nandhanam,
Chennai - 600 035.

2. The Chief Executive Officer,
Arignar Anna Sugar Mills Ltd,
Kurunkulam,
Thanjavur District.

+1cc to Mr.K.SARAVANAN Advocate in SR. No. 90964

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No. 91127

+1cc to Mr.J.VIJAYARAJA Advocate in SR. No. 91185

MM/TA

JS/SKN.RSK/SAR.1/20.12.2017/3P-6C

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