



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.12.2017

C O R A M

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

W.P. (MD) No.20341 of 2017

and

W.M.P. (MD) Nos.16599 and 16600 of 2017

Malathi

... Petitioner

Vs.

1.The District Planning Officer,
Integrated Child Development Services Scheme,
Thiruchirappalli District,
Thiruchirappalli.

2.The Child Development Project Officer,
Pullambadi Region,
Thiruchirappalli District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the constitution of India, to issue a writ of Certiorarified Mandamus, to call for the records pertaining to the order of deemed suspension passed by the first respondent by his proceedings in proceedings Se.Mu.Na.Ka.No.604/A3/2017 dated 22.04.2017 and to quash the same as illegal and direct the first respondent to consider my representation dated 12.09.2017 within a stipulated time.

For Petitioner : Mr.M.Sridharan

For Respondents : Mr.A.K.Baskara Pandian
Special Government Pleader

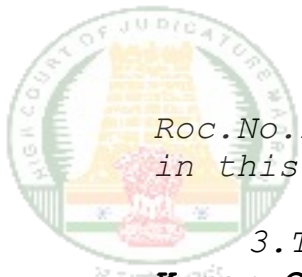
O R D E R

The Writ Petition has been filed to call for the records pertaining to the order of deemed suspension passed by the first respondent by his proceedings in Se.Mu.Na.Ka.No.604/A3/2017 dated 22.04.2017 and to quash the same and direct the first respondent to consider the petitioner's representation dated 12.09.2017.

2.When the matter is came up for hearing on 06.11.2017, this Court pass the following order:

"Mr.A.K.Baskara Pandian, learned Special Government Pleader, takes notice on behalf of the respondents.

2.The petitioner has challenged his suspension from service pending disciplinary enquiry made vide order in



Roc.No.2220/2017/A5 dated 28.04.2017 by the first 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 first respondent is directed to consider the representation dated 12.09.2017 made by the petitioner 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."

3.When the matter is came up for hearing today, it is represented by the learned counsel for the petitioner that the proceedings in ~~OS.10.5.2017~~ ~~604/23/2017~~, dated 28.11.2017, the order of suspension passed by the first respondent as against the petitioner



has been revoked.

4. In view of the above as nothing survives for further adjudication, this Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

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Sd/-
Assistant Registrar(T & P)

/True Copy/

Sub Assistant Registrar

To

1. The District Planning Officer,
Integrated Child Development Services Scheme,
Thiruchirappalli District,
Thiruchirappalli.

2. The Child Development Project Officer,
Pullambadi Region,
Thiruchirappalli District.

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No. 91466

MM/TA

JS/SKN.RSK/SAR.1/20.12.2017/3P-4C

W.P.(MD)No.20341 of 2017
05.12.2017