



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.03.2017

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CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

WP. (MD) No.17792 of 2016

K.Ravichandran

... Petitioner

-vs-

1. The District Judge,
Ramanathapuram.

2. The Chief Judicial Magistrate,
Ramanathapuram.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, to direct the respondents to reinstate the petitioner into service by revoking the suspension order dated 20.12.2012 within a time as fixed by this Court.

For Petitioner : Mr.P.Veerabaku

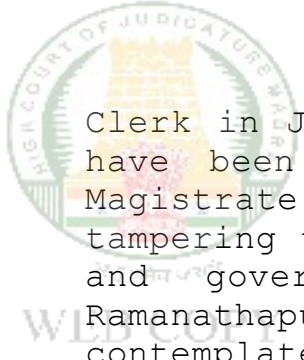
For Respondents : Mr.D.Sivaraman

O R D E R

[Order of the Court was made by T.S.SIVAGNANAM, J.]

Heard Mr.Veerabaku, learned counsel for the petitioner and Mr.D.Sivaraman, learned counsel for the respondents.

2.In this writ petition, the petitioner, who was working as an Assistant in the Judicial Magistrate Court No.2, Ramanathapuram, has sought for a direction of Writ of Mandamus, to direct the respondents to reinstate the petitioner into service by revoking the order of suspension dated 20.12.2012. The petitioner was placed under suspension on the ground that a preliminary enquiry revealed that the petitioner, who was then working as Magisterial



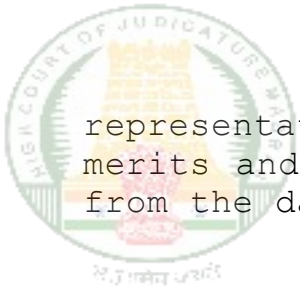
Clerk in Judicial Magistrate Court No.1, Ramanthapuram appears to have been involved in forging the signature of the Judicial Magistrate No.2, Ramanathapuram in the birth and death order and tampering the case records, registers and misused all office seals and government emblem of the Judicial Magistrate No.II, Ramanathapuram on the ground that enquiry into grave charges is contemplated.

3.The petitioner was placed under Suspension under sub rule (e) of Rule 17 of the Tamil Nadu Civil Services (Classification, Control and Appeal) Rules. A criminal case has been lodged against the petitioner in crime No.10 of 2013 on the file of the District Crime Branch, Ramanathapuram for the offences under Sections 260, 466, 468, 471 and 420 of I.P.C. Read with 120(b) of I.P.C. The criminal case is still under investigation. Subsequently, charge memo was issued on 01.08.2013. It appears that there were other co-delinquents and enquiry officer has been appointed and enquiry appears to be in progress.

4.In this writ petition, the writ petitioner has not challenged the order of suspension or questioned the charge memo and the limited prayer sought for by the petitioner is to reinstate him into service by revoking the order of suspension. The petitioner's grievance is that inspite of five representations having been given to the respondent dated 05.03.2015, 22.06.2015, 22.07.2015, 08.02.2016 and 22.07.2016, till date, the same has not been considered and suspension has not been revoked. The petitioner's contention is that the order of suspension is liable to be revoked on the ground that it was not extended beyond a period of three months and there has not been any review of the order of suspension. Further, by placing reliance on the decision in the case of **Ambigapathy, P.S. V. The Director of Public Health and Preventive Medicine, 1991 WLR 273**, it is submitted that prolonged suspension is unreasonable and without any justification.

5.The learned counsel appearing for the respondent has produced a written communication given by the Principal District Judge to the Registrar, Administration of this Court dated 03.02.2017, from which, it is seen that certain directions has been given by the Principal District Judge and it appears that the enquiry file has been sent back to the enquiry officer. However, in this case, we are not concerned about the disciplinary proceedings initiated against the petitioner and we are concerned only with regard to the non consideration of the representations given by the petitioner for revoking the order of suspension, which came to be passed in the year 2012.

<https://hcservices.courts.gov.in/hcservices/>
 O. thereore, the writ petition stands disposed of, by directing the first respondent to consider the petitioner's



representation dated 22.07.2016 and pass appropriate orders on merits and in accordance with law, within a period of three weeks from the date of receipt of a copy of this order.

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Sd/-

Assistant Registrar(P & A)

/True Copy/

Sub Assistant Registrar

To:

1. The District Judge,
Ramanathapuram.
2. The Chief Judicial Magistrate,
Ramanathapuram.

+1cc to Mr.D.Sivaraman, Advocate Sr.No.18484

+1cc to Mr.P.Veerabaku, Advocate Sr.No.17956

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vb/kp/sar2/27.04.2017/3p/5c

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