

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 11.01.2018
CORAM

THE HON'BLE MR.JUSTICE T.RAJA

W.P.No.717 of 2018
and WMP.No.881 of 2018

T.Selva Sekar

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. By its Additional Chief Secretary
to Government (FAC),
Industries (E.1) Department,
Secretariat, Fort St.George,
Chennai-600 009.

2.The Commissioner of Geology & Mining,
Guindy, Chennai-600 032.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st respondent to revoke the order of suspension passed against the petitioner in G.O.(D)No.145, Industries (E.1) Department dated 29.08.2016 and to reinstate the petitioner into service with all consequential and other attendant benefits, based on the representation submitted by the petitioner dated 18.05.2017 and 19.08.2017, within a time frame.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.V.Jayaprakash Narayanan,
Special Government Pleader

O R D E R

This Writ Petition has been filed seeking a Writ of Mandamus directing the 1st respondent to revoke the order of suspension passed against the petitioner in G.O.(D)No.145, Industries (E.1) Department dated 29.08.2016 and to reinstate the petitioner into service with all consequential and other attendant benefits, based on the representations submitted by the petitioner dated 18.05.2017 and 19.08.2017, within a time frame.

2. Mr.G.Sankaran, learned counsel for the petitioner submitted that the petitioner was placed under suspension on the ground that he has signed the Joint Inspection Report, which was

conducted along with one Dr.C.Kaliyaperumal, Director, Regional Office (SEZ), Chennai, without getting due approval of the Head of the Department. After placing the both of them under suspension, the respondents have revoked the order of suspension passed against one Mr.Atul Anand, I.A.S., whereas the petitioner's request for revoking the order of suspension was not considered. The learned counsel for the petitioner further submitted that the petitioner is kept under prolonged suspension, which is impermissible in view of the ratio laid down by the Hon'ble Supreme Court in Ajay Kumar Choudary v. Union of India [2015 (2) Scale 432], wherein it is categorically held that no Government servant shall be kept under prolonged suspension. In the present case, the petitioner, who is receiving mere subsistence allowance for more than one year, has given representations seeking revocation of the order of suspension and therefore, prays for a direction to the respondents to consider his representations.

3. Mr.V.Jayaprakash Narayanan, learned Special Government Pleader, who takes notice for the respondents 1 and 2, sought for sufficient time to consider the pending representations. The learned Special Government Pleader further submitted that charge memo has also been issued against the petitioner.

4. In view of the above, this Court directs the respondents 1 and 2 to consider and dispose of the petitioner's representations dated 18.05.2017 and 19.08.2017, seeking revocation of the order of suspension and pass appropriate orders on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

5. This Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

jvm

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To

1.The Additional Chief Secretary to Government (FAC),
The State of Tamil Nadu,
Industries (E.1) Department,
Secretariat, Fort St.George, Chennai-600 009.

2.The Commissioner of Geology & Mining,
Guindy, Chennai-600 032.

+1 cc to Mr.G.Sankaran Advocate sr 2727

+1 cc to Govt Pleader sr 3310

+1 cc to M/s.E.Martin Jayakumar Advocate sr 2715

W.P.No.717 of 2018

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