

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :31.10.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.13156 of 2013

P.Subramani

... Petitioner

vs

The Deputy Secretary (personnal)
Office of Governor of Tamil Nadu,
Rajbhavan, Chennai - 22.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondent to dispose of the representation of the petitioner dated 06.11.2012

For Petitioner : Mr.C.Jeyapal
For Respondents : Mr.A.Ansar
Government Advocate

O R D E R

The relief sought for in the present writ petition is for a direction to direct the respondents to dispose of the representation of the petitioner dated 06.11.2012.

2. The grievances of the writ petitioner is that on account of certain allegations, a criminal case was foisted against him by the Central Crime Branch, Chennai and the petitioner was arrested and subsequently, released on bail. The criminal case in C.C.No.1358 of 2006 is pending before the Chief Metropolitan Magistrate, Egmore, Chennai. The writ petitioner was placed under suspension in the year 2005 and he is under continuous suspension for about 13 years. Under these circumstances the writ petitioner submitted an application to the respondent dated 06.11.2012 for revocation of suspension.

3. The Court is of an opinion that prolonged suspension is bad in law. Keeping an employee under suspension for an unspecified period and paying the subsistence allowance will cause financial loss to the State exchequer. Contrarily, the

said employees who are under suspension for a longer period shall be reinstated and they may be posted in a non-sensitive posts till the disposal of the criminal case and the conclusion of the departmental disciplinary proceedings. This being the principles, the authorities competent have to consider these aspects and pass orders on the representation submitted by the writ petitioner. Thus, without going into the merits of the matter, the respondent is directed to consider the representation submitted by the writ petitioner on 06.11.2012 and pass orders on merits and in accordance with law within a period of 12 weeks from the date of receipt of the copy of this order. The writ petitioner is directed to enclose the copy of the representation and other relevant documents along with the order passed in this writ petition.

4. Accordingly, the present writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

1.The Deputy Secretary (personnal)
Office of Governor of Tamil Nadu,
Rajbhavan, Chennai - 22.

2.The Chief Metropolitan Magistrate,
Egmore, Chennai

+1cc to the Government Pleader, S.R.No.75334

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KK(CO)
GSP(28/11/2018)

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