

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.04.2018

CORAM:

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE,J.

W.A No.1359 of 2017

M.Ayyanar

... Appellant/Petitioner

-Vs-

- 1.The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Revenue Department, Secretariat,
Chennai - 9.
- 2.The Commissioner of Revenue Administration,
Ezhilagam, Chepauk,
Chennai -5.
- 3.The Revenue Tahsildar,
Gingee Taluk, Villupuram District. ... Respondents/Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent against the order passed in W.P No.19551 of 2017 dated 31.07.2017.

W.P.No.19551 of 2017:

Writ Petition filed under Article 226 of the constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records in Rc.No.A3 /364 / 2017 dated 29.01.2017 on the file of 3rd respondent and quash the same and consequently directing the 3rd respondent to revoke the suspension order and reinstate me in the same service and same place wherein he worked before suspension.

For Appellant : Mr.V.Arunagiri
For Respondents: Mr.V.Anandhamurthy
Addl.Govt.Pleader

J U D G M E N T

[Judgment of the Court was delivered by
K.K.SASIDHARAN,J.]

The challenge in this intra court appeal is to the order dated 31 July 2017 in W.P.No.19551 of 2017, whereby and where under, the learned single Judge dismissed the writ

petition filed by the appellant to revoke his suspension and reinstate him into service.

2. We have heard the learned counsel for the appellant. We have also heard the learned Additional Government Pleader on behalf of the respondents.

3. The appellant was suspended from service by the Revenue Tahsildar, Gingee Taluk on account of his involvement in a case registered by the Directorate of Vigilance and Anti Corruption. He was placed under suspension by order dated 29 January 2017. The said order was challenged before the Writ Court on the ground that the appellant, being a Village Assistant, is not empowered to disburse the amount towards funeral expenses. The learned single Judge having found that the appellant was involved in a criminal case registered by the Vigilance and Anti Corruption Department, dismissed the writ petition.

4. The question as to whether the suspension of an employee should be periodically reviewed came up for consideration before the Hon'ble Supreme Court in Ajay Kumar Choudhary v. Union of India and others [2015 (3) CTC 119]. The Hon'ble Supreme Court made it clear that the suspension order should be reviewed periodically by the Government, in case, the employee was suspended by the Government pending initiation of disciplinary proceedings. Though we are not inclined to direct the respondents to revoke the suspension, still, we are of the view that the respondents should review the order of suspension taking into account the law laid down by the Hon'ble Supreme Court.

5. We therefore direct the third respondent to review the order of suspension of the appellant on merits and as per law, uninfluenced by any of the observations made by the learned single Judge in the order in appeal. Such exercise shall be completed within a period of three months from the date of receipt of a copy of this judgment. We make it clear that we have not considered the merits of the matter and the direction is issued in tune with the observations made by the Supreme Court in the judgment referred to above.

6. The writ appeal is disposed of with the above observation. No costs.

s/d-
Assistant Registrar(CS IX)

True Copy

Sub-Assistant Registrar

svki

To

1.The Principal Secretary to Government,
The State of Tamil Nadu,
Revenue Department,
Secretariat, Chennai - 9.

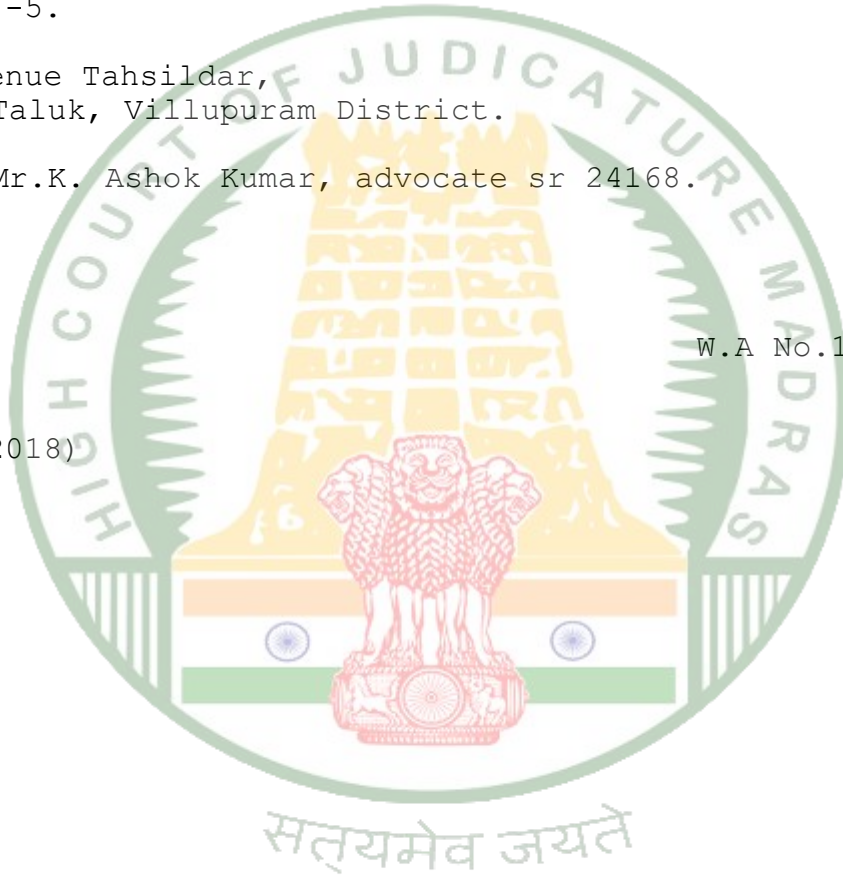
2.The Commissioner of Revenue Administration,
Ezhilagam, Chepauk,
Chennai -5.

3.The Revenue Tahsildar,
Gingee Taluk, Villupuram District.

+1 CC to Mr.K. Ashok Kumar, advocate sr 24168.

W.A No.1359 of 2017

KJ(CO)
SP(26/04/2018)



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