

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2018

CORAM

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.A.No.1379 of 2017

V.Venkatesan

..Appellant/Petitioner

Vs.

The Registrar,
Annamalai University,
Annamalai Nagar,
Chidambaram-608002.
Cuddalore District.

.. Respondent/Respondent

Prayer: Writ Appeal filed under Clause 15 of Letter Patent Act,
against the order dated 10.07.2017 made in W.P.No.7821 of 2017.

W.P.No.7821 of 2017:-

Writ petition filed under Article 226 of the Constitution of India praying for a writ of certiorarified mandamus Call for the records of the respondent dated 11.5.2016 vide Suspension Order No.37/2016 (S.3) and quash the same in relevance to the Judgement of Apex Court dated 16.2.2015 in Ajai Kumar Choudhry Vs. Union of India in C.A. No.1912/2015 with consequential direction to the respondent to re-instate the petitioner in pursuant to the representation of the petitioner dated 01.02.2017 into the service of the respondent with all the attendant benefits right from the date of suspension.

For Appellant : Mr.P.Haribabu
For Respondent : Mr.V.R.Kamalanathan

J U D G M E N T

(Judgment of the Court was delivered by K.K.SASIDHARAN, J.)

The appellant was suspended from service by the respondent on account of his involvement in a criminal case and arrest by the C.B.C.I.D. in Crime No.3 of 2015. The suspension order was passed on 11.05.2016.

2. The respondent filed a Writ Petition in W.P.No.7821 of 2017, challenging the order dated 11.05.2016 with a prayer to reinstate him into service with all the statutory benefits.

3. The learned single Judge dismissed the Writ Petition on the ground that the appellant is involved in a serious misconduct. Feeling aggrieved, the appellant has come up with this intra court appeal.

4. We have heard the learned counsel for the appellant. We have also heard the learned standing counsel for the University.

5. There is no dispute that the appellant was suspended from service by order dated 11.05.2016, on account of his involvement in a criminal case. The investigation is still pending. It is the grievance of the appellant that efforts were not taken by the University to review his suspension. Similarly, the subsistence allowance was not paid to him in accordance with the regulations framed by the University.

6. The learned standing counsel appearing for the respondent submitted that the subsistence allowance would be paid to the appellant in accordance with the University regulations.

7. The Hon'ble Supreme Court in Ajay Kumarchoudry Vs. Union of India through its Secretary and another [(2015) 7 SCC 291], made it clear that the suspension should be reviewed periodically, by the disciplinary authority.

8. There is nothing on record to show that the suspension order was reviewed by the University at any point of time. We therefore direct the respondent to review the suspension of the appellant and take decision, on merits and as per law. Such exercise shall be completed within a period of three months from the date of receipt of a copy of this Judgment. The subsistence allowance shall also be paid to the appellant in accordance with the regulations framed by the University.

8. The intra Court appeal is disposed of with the above direction. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

arr

To

The Registrar,
Annamalai University,
Annamalai Nagar,
Chidambaram-608002.
Cuddalore District.

+lcc to Mr.R.Tholgappian, Advocate, S.R.No.14765
+lcc to Mr.V.R.Kamalanathan, Advocate, S.R.No.14397

W.A.No.1379 of 2017

AK (CO)
CS/03/04/18



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