

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.03.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.PARTHIBAN

W.P.No.11023 of 2017
and
W.M.P.No.1698 of 2018

D.Kalidoss

... Petitioner

Vs

1.The District Forest Officer,
Thiruvannamalai South Forest Division,
Thiruvannamalai.
Thiruvannamalai District.

2.The Inspector of Police,
Vigilance and Anti Corruption,
Thiruvannamalai,
Thiruvannamalai District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, directing the first respondent to revoke the order of suspension of the petitioner dated 05.01.2017 made in Proc.No.52/2017/E1 as per the direction issued by the Principal Secretary to Government, Personnel and Administrative Reforms (N) Department dated 23.07.2015 in pursuant to the judgment of the Hon'ble Supreme Court of India made in SLP © No.31761 of 2013 dated 16.02.2015 (in the case of Ajay Kumar Choudhary Vs. Union of India and another) within stipulated time.

For Petitioner : Mr.M.R.Jothimanian

For Respondents : Mr.K.K.Ramesh for R1
Additional Government Pleader
: Mr.T.M.Pappiah for R2
Special Government Pleader

O R D E R

The petitioner was appointed as Forest Guard on 28.04.1997, he was promoted as Forester on 10.08.2010. The petitioner was implicated in a criminal case in FIR Cr.No.01/2017, on the file of the second respondent police. Therefore, he was placed

under suspension with effect from 05.01.2017.

2. The petitioner submitted a representation to the first respondent on 05.04.2017, seeking to revoke the suspension order. According to the petitioner, the said representation has not been considered by the first respondent and no action had been taken on the same. Therefore, the petitioner is before this Court seeking to quash the suspension order dated 05.01.2017 passed by the first respondent.

3. When the matter was taken up for hearing, the learned counsel would submit, that in similar circumstances, this Court has directed the respondents to pass an order on the representation submitted by the petitioner therein in W.P.No.93 of 2017 dated 04.01.2017. The operative portion of the direction issued by this Court in the above said petition has been re-produced and it reads as follows:-

6. " Though the petitioner prays for a larger relief, this Court, in the light of the above facts and circumstances, without going into the merits of the claim projected by the petitioner, directs the first respondent to consider the representation of the petitioner dated 26.11.2016 on merits and in accordance with law and in the light of the above cited judgment as well as the instructions of P. & A.R. Department in letter Ms.No.43/N/2015-3 dated 26.04.2016 and pass orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner. The Writ Petition is disposed of accordingly. No costs".

4. Since the learned counsel for the petitioner, seeks a direction to dispose of the representation, for which, the learned counsel appearing for the respondents would have no legitimate objection, this Court, directs the first respondent to dispose of the representation submitted by the petitioner on 05.04.2017, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

5. It is made clear, the first respondent is also directed to take into consideration the instructions issued by the Personnel and Administrative Reforms (N) Department dated 23.07.2015 and also any other instructions issued on the subject matter. The first respondent is also directed to communicate the decision taken on the representation to the petitioner.

6. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

dna
To

1.The District Forest Officer,
Thiruvannamalai South Forest Division,
Thiruvannamalai.
Thiruvannamalai District.

2.The Inspector of Police,
Vigilance and Anti Corruption,
Thiruvannamalai,
Thiruvannamalai District.

+1 CC to Govt. Pleader sr 18131.

+1 CC to Mr.M.R. Jothimanian, Advocate sr 18005.

+1 CC to Spl. Govt. Pleader sr 17859.

W.P.No.11023 of 2017
and
WMP.No.1698 of 2018

PVS (CO)
SP (05/04/2018)

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