

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATE: 30.07.2018
CORAM
THE HONOURABLE MR.JUSTICE SATRUGHANA PUJAHARI
W.P.No.28677 of 2017
and W.M.P.No.30856 of 2017

P.R.Sangeetha

...Petitioner

Versus

1. The District Collector,
Krishnagiri District at
Krishnagiri.

2. The Personal Assistant to
District Collector (Development)
Krishnagiri District at
Krishnagiri

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of mandamus directing the second respondent to pass orders on the representation dated 13.06.2017 acknowledged on 14.06.2017 seeking revocation of suspension by reviewing and for posting in a non-sensitive post.

For Petitioner : Mr.L.Chandrakumar
For Respondents : Mr.V.Kadhirvelu,
Special Government Pleader

ORDER

The grievance of the petitioner in this case is that after being involved in a trap case by the Vigilance Department, she has been put under suspension indeterminately. Thereafter her representation to review her case for the reason charge sheet in the said case is not filed yet, has not been considered. Therefore, she came to file the writ petition seeking writ of mandamus to direct the authority to dispose of her representation to reinstate her into service by revoking her order of suspension.

2. Counter affidavit has been filed by the respondents. Mr.V.Kadhirvelu, learned Special Government Pleader submits that since the petitioner is involved in a trap case and charge memo also issued against her and review of the suspension being prerogative to the authority more particularly when involved in a case of trap for illegal demand and acceptance of bribe, the petitioner has no case and the writ petition is liable to be dismissed.

3. After hearing the counsel for the parties and going through the materials on record especially the fact that the suspension of the petitioner is indeterminate one and it is stated that State Government in the meanwhile has taken decision by issuing various GO's to review the order of suspension once in every three months after the law laid down in the case of [Ajay Kumar Chowdary v. Union of India], 2015 (7) SCC 291, as also the Tamil Nadu Government Servants (Discipline and Appeal) Rules, 1973 empower the Government to revoke such order of suspension, notwithstanding involvement in a criminal case, this Court disposes of this writ petition notwithstanding the counter affidavit filed that the petitioner has no case on merit, directing the respondents to take an informed and considered decision on the representation of the petitioner as deemed fit and proper but the same must be by a speaking order in view of the law laid down in the case of [Ajay Kumar Chowdary v. Union of India], 2015 (7) SCC 291. However, this order should not be treated as a mandate of this Court to decide the representation in any particular manner.

4. With the aforesaid order, this writ petition stands disposed of. Consequently, connected miscellaneous petition is closed. However, in the circumstances there shall be no order as to costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Krishnagiri District at
Krishnagiri.

2. The Personal Assistant to
District Collector (Development)
Krishnagiri District at
Krishnagiri

+1cc to Mr.L.Chandrakumar, Advocate, S.R.No.51628.

+1cc to the Government Pleader, S.R.No.52918

W.P.No.28677 of 2017

VD(CO)

rrs 19/09/2018