

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2018

CORAM :

THE HONOURABLE MR.JUSTICE SATRUGHANA PUJAHARI

W.P.No.15155 of 2018 and WMP No.17965 of 2018

V.Periyakaruppan

..

Petitioner

Versus

1. The Additional Director General of Police,
and Inspector General of Prisons,
Egmore, Chennai 600 009.

2. The Superintendent,
Puzhal II Central Prison,
Chennai 600 066.

..

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of certiorarified mandamus calling for the records pertaining to the issuance of the impugned order dated 23.01.2017 having reference No.459/G.3/2016 on the file of the 2nd respondent, quash the same.

For Petitioner : M/s.E.P.Senniyangiri

For Respondent : Mrs.R.Janaki,
Additional Government Pleader

O R D E R

By consent of both the parties, the writ petition is taken up for final disposal.

2 The petitioner while working as a Assistant in Central Prison Puzhal, a criminal case was registered against him in Crime No.179 of 2017 on the file of M.3 Puzhal Police Station for an attempt to smuggle the cannabis inside the sketch and the petitioner was granted bail by the Judicial Magistrate, Thiruvottiyur. While so, the 2nd respondent placed the petitioner under suspension on 23.01.2017 vide reference No.459/G.3/2016. Subsequently, an Enquiry officer was appointed by the 2nd respondent on 12.04.2017 and after conclusion of the enquiry, the Enquiry Officer has also submitted his report holding that the charges have been proved and further action is yet to be taken on the enquiry report, so also, the charge sheet is yet to be filed. Since, the petitioner has been placed under suspension for nearly 1 ½ years, he sought for an employment from the 2nd respondent through his representation, who inturn vide reply dated 23.09.2017 had informed the petitioner that his representation

was forwarded to the 1st respondent and since no orders have been passed by the 1st respondent, the petitioner came forward to file this writ petition with a prayer to quash the impugned order dated 23.01.2017 on the file of the 2nd respondent.

3. Learned counsel for the petitioner has drawn the attention of this Court to the judgment of the Hon'ble Supreme Court of India reported in 2015 [3] CTC 119 SC [Ajay Kumar Choudhary Vs. Union of India] and would submit that the order of suspension should not exceed beyond the period of three months and it should be reviewed periodically and as far as the petitioner's case is concerned, he has been placed under suspension for nearly 1 ½ years and that no orders have been passed by the respondents to revoke/review the order of suspension and hence, prays for appropriate orders.

4 Considering the nature of the relief sought for by the petitioner, so also, the facts and circumstances of this case, this Court permits the petitioner to submit a representation to the 2nd respondent for reviewing/revoking the suspension order within a period of 10 days from the date of receipt of copy of this order and the 2nd respondent, on receipt of the same, shall take an informed and considered decision on merits, after taking note of the law laid down by the Apex Court (Cited Supra), within a period of four weeks from the date of receipt of such representation.

5 Accordingly, the writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is also closed.

rka

Sd/-

Assistant Registrar(Audit)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

To

1. The Additional Director General of Police,
and Inspector General of Prisons,
Egmore, Chennai 600 009.

2. The Superintendent,
Puzhal II Central Prison,
Chennai 600 066.

+1cc to Mr.E.P.SENIYANGIRI, Advocate, S.R.No.42824

W.P.No.15155 of 2018

GJ(CO)

ASK(01/08/2018)