

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 31.07.2018  
Coram

The Hon'ble Mr. Justice Satrugana Pujahari

Writ Petition Nos. 19597 OF 2018  
and  
W.M.P.No.23023 of 2018

K. Munivelu

...Petitioner

Vs.

1. The Deputy Registrar,  
Agricultural Co-operative Credit Society Ltd.,  
Cheyyar Circle, Cheyyar,  
Thiruvannamalai District.
2. The Sub Registrar/Managing Director,  
C.1256 Polur Co-operative Primary  
- Agricultural and Urban Development Bank,  
Polur, Thiruvannamalai District.
3. The Inspector of Police,  
Vigilance and Anti Corruption Department,  
Thiruvannamalai District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorari and Mandamus call for records relevant to the order passed by the 2<sup>nd</sup> respondent dated 21.10.2016 and quash the same as illegal thereby direct the second respondent to reinstate the petitioner into his service with effect from 18.10.2016 with all back wages by considering his representation dated 20.01.2017.

For petitioner : Mr. A. Rajesh Kanna

For Respondent Nos. 1 & 2 : Mr. L.P. Shanmugasundaram,  
Special Government Pleader for  
Co-operative Society

For Respondent No. 3 : Mr V. Kadhirvelu  
Special Government Pleader

## ORDER

Heard Mr.A.Rajesh Kanna, the learned counsel appearing for the petitioner, Mr. L.P. Shanmugasundaram, the learned Special Government Pleader, who accepts notice on behalf of the respondents 1 and 2 and Mr.V.Kadhirvelu, the learned Special Government Pleader, who accepts notice for Respondent No.3. On consent of the learned counsel for the parties, this Writ Petition is taken up for disposal.

2. The grievance of the petitioner, in this Writ Petition is that, though due to his indictment in a Criminal Case, he has been put under suspension, till date, no Charge Sheet has been filed against him. Hence, he made a representation dated 20.01.2017 to review/revoke the order of suspension dated 21.10.2016. But, no action has been taken on the same yet. Hence, he has come to this Court seeking a direction to quash his suspension considering his representation and consequently reinstate him into service with all backwages.

3. The learned counsel appearing for the petitioner during the course of arguments submits that though the petitioner has sought for a larger relief, suffice it would be, if the representation made by him for review/revocation of suspension order is considered and disposed of. In this connection, he has also drawn the attention of this Court to the case of Ajay Chowdary Vs Union of India reported in [(2015) (7) Supreme Court Cases 291], wherein, the Hon'ble Apex Court held that, pending issuance of charge memo/charge sheet, a person should not be kept under suspension for an in-determined period and has to be reinstated in service, and it is only after a charge sheet is filed, such order of suspension can be extended by a reasoned order. Thus, placing reliance on the aforesaid decision, he submits that the petitioner is entitled to be reinstated in service. Accordingly, he prays that the representation made by the petitioner for review/revocation of the suspension order may be directed to be considered and the petitioner may be reinstated into service in the light of the law laid down by the Hon'ble Apex Court in the case of Ajay Chowdary (cited supra).

4. The learned counsel appearing for the respondents submits that the first respondent is the competent to dispose of such representation. But, he points out that such representation has not been made to the first respondent, whereas, it has been made to the second respondent, and if such

representation is made before the first respondent, necessary steps in this regard shall be taken for disposal of the same in accordance with law within the period as stipulated by this Court.

5. Considering the aforesaid facts and the submissions made, especially, the prayer made now and also the fact that the petitioner stated to have made representation to the second respondent, this Writ Petition is disposed of with a direction to the second respondent to forward such representation of the petitioner to the first respondent within a period of two weeks from the date of receipt of copy of this order and the first respondent on receipt of such representation from the second respondent, shall take an informed and considered decision on the same in its own merit within a period of three weeks from the date of receipt of such representation, keeping in mind the law laid down by the Hon'ble Apex Court in the case of Ajay Chowdary (cited supra).

6. With the aforesaid order, the above Writ Petition stands disposed of. No Costs. Consequently, connected Writ Miscellaneous Petition is closed.

Sd/-  
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

To

1. The Deputy Registrar,  
Agricultural Co-operative Credit Society Ltd.,  
Cheyyar Circle, Cheyyar, Thiruvannamalai District.
2. The Sub Registrar/Managing Director,  
C.1256 Polur Co-operative Primary  
- Agricultural and Urban Development Bank,  
Polur, Thiruvannamalai District.

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

+1cc to Mr.A.Rajesh Kanna, Advocate Sr.51663  
+1cc to Mr.L.P.Shanmugasundaram, Advocate Sr.53007  
+1cc to the Government Pleader Sr.52854

Writ Petition Nos. 19597 OF 2018

ev[co]  
srg 6/9/2018



WEB COPY