

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.10.2018

CORAM :

THE HONOURABLE MR. JUSTICE SATRUGHANA PUJAHARI

W.P. No.27976 of 2018
and
WMP.Nos.32542 and 32544 of 2018

A.Manickam .. Petitioner

..Vs..

The Principal Secretary/
Transport Commissioner
Chepauk, Chennai - 600 005 ... Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records of the impugned order of suspension issued by the Respondent in his Proc.R.No.48005/VA1/2017 dated 05.12.2017 and quash the same and consequently direct the respondent to consider the petitioner's representation dated 19.03.2018 to review the petitioner's suspension and to reinstate the petitioner in service.

For Petitioner : Mr.L.Chandrakumar
for Mr.A.Ganesan

For Respondent : Mr.S.Suresh Kumar
Government Advocate

O R D E R

Mr.S.Suresh Kumar, learned Government Advocate accepts notice on behalf of the respondents.

2. By consent, this Writ Petition is taken up and disposed of at the stage of admission itself.

3. The case of the petitioner is that while he was working as Motor Vehicle Inspector Grade-I in the transport department, a criminal case was registered against him under Prevention of Corruption Act and he was remanded to Judicial

custody, for which he was put under suspension by an order dated 05.12.2017 passed by the first respondent. However the petitioner thereafter released on bail. Till date no Charge Memo has been issued for any delinquency nor any charge sheet has been filed against the petitioner. In such premises, the petitioner made a representation to the respondent on 19.03.2018 to review the order of suspension. But the same evoked no response. Hence, the petitioner has filed this Writ Petition to quash the order of suspension passed by the respondent on 05.12.2017 and for a direction to the respondent to consider the representation of the petitioner dated 19.03.2018 filed to review the order of suspension passed against the petitioner.

4. The learned counsel for the petitioner would submit that as per the Judgment of Hon'ble Supreme Court in Ajay Kumar Choudhary Vs. Union of India and another (2015) 7 SCC 291, the suspension beyond three months is impermissible. However, during the course of hearing, it is submitted by the learned counsel appearing for the petitioner that though he has made aforesaid prayer, he now confines his prayer seeking a direction to the respondent to pass orders on the representation of the petitioner dated 19.03.2018, in the light of Ajay Kumar Choudhary Vs. Union of India and another (2015) 7 SCC 291,

5. The learned Government Advocate who takes notice on behalf of the respondent would submit that the petitioner has been put under suspension for being involved in the case under Prevention of Corruption Act and as such without any reply affidavit, it cannot be stated that representation has not been disposed of. However, he would submit that if such representation is pending, the same shall be considered in accordance with law, but this Court should not put any fetter on the part of the respondent for disposal of the representation in any particular manner except the time limit for disposal.

6. Considering the aforesaid facts and submissions made, especially the nature of relief sought for, this Court disposes of the Writ Petition at the stage of admission, without seeking reply affidavit from the respondent, with a direction to the respondent to take an informed and considered decision on the representation of the petitioner dated 19.03.2018, on merits and in accordance with law, if not already disposed of, within a period of four weeks from the date of receipt of a copy of this order, in the light of the law laid down by the Hon'ble Apex Court in Ajay Kumar Choudhary Vs. Union of India and another (2015) 7 SCC 291, if there is no other legal impediment. However, it is made clear that this Court has expressed no

opinion on the merits of the representation and hence the order of this Court should not be treated as a mandate to dispose of such representation in any particular manner. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-
Deputy Registrar (CS)

//True Copy//

Sub Assistant Registrar

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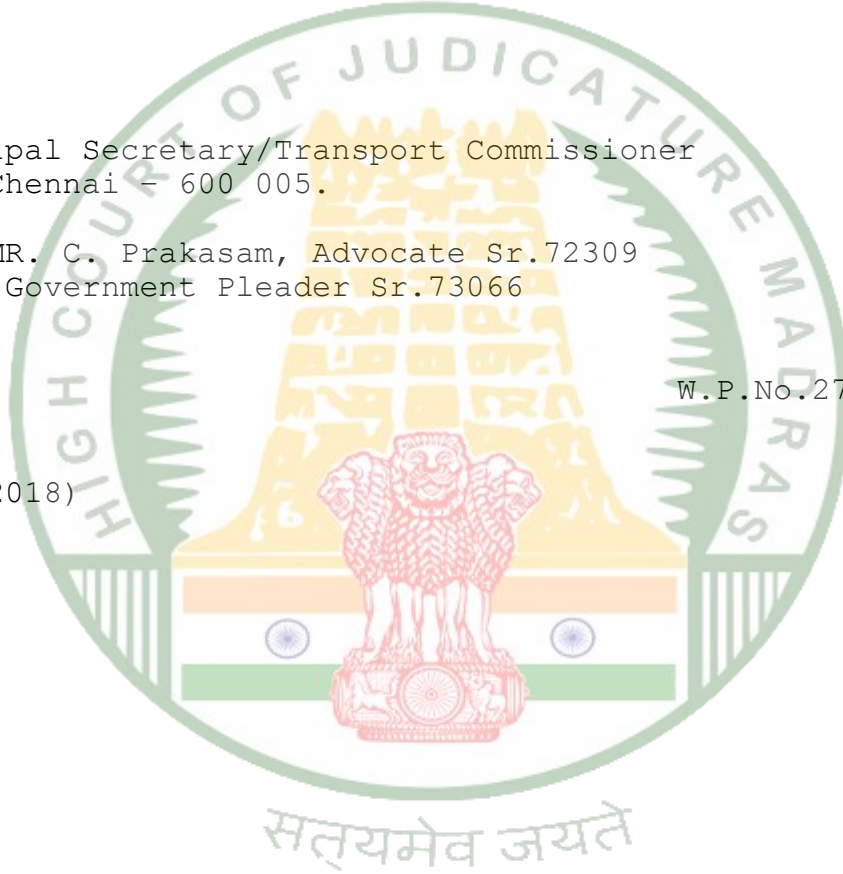
To

The Principal Secretary/Transport Commissioner
Chepauk, Chennai - 600 005.

+1 cc to MR. C. Prakasam, Advocate Sr.72309
+ 1 cc to Government Pleader Sr.73066

W.P.No.27976 of 2018

(CS-DR)
EU(12/11/2018)



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