



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 09.03.2018
CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MRS.JUSTICE R.THARANI

W.P.(MD).No.239 of 2018

K.Manoharan

... Petitioner

Vs.

1.The Principal District Judge,
Ramanathapuram District,
Ramanathapuram.

2.The Chief Judicial Magistrate,
Ramanathapuram District,
Ramanathapuram.

3.The District Crime Branch,
Ramanathapuram.

(R3 is suo-motu impleaded vide Court
order dated 08.01.2018)

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 19.01.2015 for revocation of the order of suspension dated 20.12.2012 passed against him in the light of the judgment passed by the Hon'ble Supreme Court of India in the case of Ajay Kumar Choudry vs. Union of India reported in 2015(2) SCALE 432.

For Petitioner	: Mr.P.Subbiah
For R1 and R2	: Mr.N.Tamilmani
For R3	: Mr.S.Dhayalan

O R D E R

[Order of the Court was delivered by T.S.SIVAGNANAM, J.]

Heard Mr.P.Subbiah, learned counsel appearing for the petitioner and Mr.N.Tamilmani, learned counsel appearing for the first and second respondents and Mr.S.Dhayalan, learned Government Advocate appearing for the third respondent.

2.This writ petition has been filed praying for issuance of writ of mandamus to direct the respondents to consider his



representation for revoking the order of suspension, which has been passed against him on 20.12.2012.

3. We would have considered the prayer, but, for the allegations against the petitioner. The petitioner has come to the adverse notice of the respondent and charges have been framed against him vide charge memo dated 01.08.2013. On perusal of the charge, it is seen that there very grave charges and all the charges pertain to creating bogus orders as if passed by the Court and preparing bogus seal of the Court etc. Earlier, the petitioner had approached this Court and filed W.P.(MD).No.5849 of 2013, challenging the order of suspension. The Division Bench to which one of us (T.S.S.,J.) was a party, dismissed the said writ petition taking note of the gravity of the charges, and that the domestic enquiry is already over and the Enquiry Officer has submitted a report and final orders are awaited. The petitioner in the writ petition has not disclosed the filing of the earlier writ petition and the orders passed therein. Therefore, the petitioner is guilty of suppressing the material of facts.

4. The learned counsel for the respondents 1 and 2 submitted that the reason why the final order was not passed is on account of a representation made by a co-delinquent viz., K.Ravichandran, who has also charge sheeted along with the petitioner, by way of separate proceedings and he had submitted a representation to the High Court on the administrative side, since the District Judge had remanded the mater for fresh enquiry to the Enquiry Officer. Subsequently, the said Ravichandran, has produced the necessary documents and the enquiry officer viz., the Chief Judicial Magistrate, has submitted a report and therefore, even assuming the representation is pending before the High Court in the administrative side at the instance of the said K.Ravichandran, that will not be an embargo for the first respondent to pass final orders in the disciplinary proceedings initiated against the petitioner. For the above reasons, we are not inclined to grant the relief sought for.

5. In the result, the writ petition is dismissed with cost of Rs.5,000/- payable to the Tamil Nadu State Judicial Academy within a period of three weeks from the date of receipt of a copy of this order. The Principal District Judge, is directed to pass final orders after following due procedure within a period 8 weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(Crl.Side)

/True Copy/

Sub-Assistant Registrar



To
WEB COPY

- 1.The Principal District Judge,
Ramanathapuram District,
Ramanathapuram.
- 2.The Chief Judicial Magistrate,
Ramanathapuram District,
Ramanathapuram.
- 3.The District Crime Branch,
Ramanathapuram.
- 4.The Director,
Tamil Nadu State Judicial Academy,
Chennai

+One cc to The Special Government Pleader, SR.No.54556

Ns
RL/6C/3P/CVC/SAR1/2/4/2018

W.P. (MD) .No.239 of 2018

09.03.2018