



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.04.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P(MD)No.7329 of 2018

Jeganathapandian

... Petitioner

Vs.

1.The Deputy Commissioner,
(Commercial Tax),
Pudukkottai,
Pudukkottai District.

2.The Commercial Tax Officer,
Aranthangi,
Pudukkottai District.

... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the 1st respondent to revoke the order of suspension in Proc.No.2572/2016/A1 dated 26.08.2016 based on the petitioner's representation dated 27.10.2016.

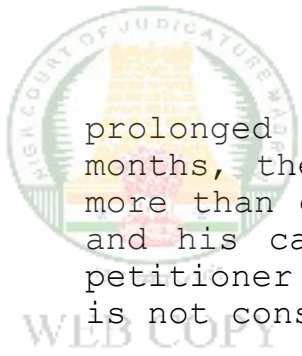
For Petitioners : Mr.M.Suresh
For Respondents : Mrs.S.Srimathy, Spl.GP

O R D E R

The prayer sought for in this Writ Petition is for a Writ of Mandamus, directing the 1st respondent to revoke the order of suspension in Proc.No.2572/2016/A1 dated 26.08.2016 based on the petitioner's representation dated 27.10.2016.

2.Heard Mr.M.Suresh, the learned counsel for the petitioner and Mrs.S.Srimathy, learned Special Government Pleader appearing for the respondents.

3.It is the grievance of the petitioner that he was placed under suspension by order dated 26.08.2016. The petitioner has been placed under suspension for more than one year and thereafter, no disciplinary proceedings has been initiated so far. Therefore, the learned counsel for the petitioner placed reliance on the decision of the Hon'ble Supreme Court in the matter of *Ajay Kumar Choudhary Vs Union of India Through its Secretary and another reported in 2015 (3) CTC 119*, wherein, the Hon'ble Apex Court has held that if the Government Servant placed under suspension, it shall not be



prolonged without reasons to be recorded thereon and once in six months, the suspension shall be reviewed. Here, the case in hand, more than one year, the petitioner has been placed under suspension and his case has not been so far reviewed. In this regard, the petitioner has also given representation on 27.10.2016 and the same is not considered so far.

4.I have heard Mrs.Srimathy, learned Special Government Pleader in this regard.

5.In view of the said position that the petitioner has been placed under suspension for more than one year and in spite of his representation made in October 2016, the suspension has not so far been reviewed and no disciplinary proceedings so far has been admittedly initiated against the petitioner, this court is inclined to dispose this petition itself , with the consent of both sides, with the following direction.

6.The representation made by the petitioner dated 27.10.2016 seeking to revoke the suspension order passed against the petitioner dated 26.08.2016 on the ground of prolonged suspension without having initiated disciplinary proceedings, shall be considered by the respondents and an order to that effect on merits and accordance with law shall be passed within a period of four weeks from the date of receipt of a copy of this order.

7.With this direction this Writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(Crl.Side)

/True Copy/

Sub-Assistant Registrar

To

1.The Deputy Commissioner,
(Commercial Tax),
Pudukkottai, Pudukkottai District.

2.The Commercial Tax Officer,
Aranthangi,
Pudukkottai District.

+1cc to Mr.M.Suresh, Advocate, SR.No.59846

+1cc to The Special Government Pleader, SR.No.60254

Arul

RL/5C/2P/SV/MMS/SAR1/17/4/2018

W.P (MD) No.7329 of 2018