



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.08.2018

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P (MD) No.17363 of 2018

and

W.M.P. (MD) No.15269 and 15270 of 2018

E.Leema Rose

... Petitioner

Vs.

1. The District Collector,
Trichirappalli District,
Trichy.

2. P.A. to District Collector,
Noon Meal,
Tiruchirappalli District,
Trichy.

3. The Commissioner,
Panchayat Union,
Lalgudi Taluk, Trichy.

... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records of the 2nd respondent in Na.Ka.No.Pa6/514/2017 dated 02.05.2017 and quash the same.

For Petitioner : Mr.S.Vinod Sathya Lazar

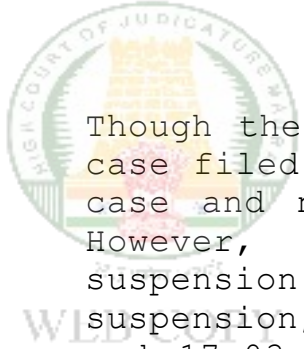
For Respondent : Mrs.S.Sreemathy, Spl.G.P.

O R D E R

The prayer sought for in this writ petition is for a Writ of Certiorari, to call for the records of the 2nd respondent in Na.Ka.No.Pa6/514/2017 dated 02.05.2017 and quash the same.

2.Heard Mr.S.Vinod Sathya Lazar, learned counsel appearing for the petitioner and Mrs.S.Srimathy, learned Special Government Pleader appearing for the respondents.

3.The learned counsel appearing for the petitioner would submit that, the petitioner was working as a Cook in Noon Meal Scheme at Government Higher Secondary School at Valadi, Lalgudi Panchayat Union. Since he was arrested on 21.03.2017 by the Lalgudi Police, pursuant to F.I.R. in crime No.183 of 2017 for the alleged offence punishable under Sections 147, 148, 294(b), 341, 324, 307, 506(2) and 309 of I.P.C., he had been placed under suspension by order of the second respondent dated 02.05.2017.



Though the petitioner had been suspended pursuant to the criminal case filed against him, no progress has been shown in the criminal case and no departmental proceedings was initiated against him. However, the petitioner has been brought under prolonged suspension for more than a year. In order to review the said suspension, the petitioner has given representation on 26.12.2017 and 17.03.2018. However, the said representations had not been considered and no review seems to have been made by the respondents as to whether the further proceedings of the suspension is required insofar as the petitioner's case is concerned. Hence, the petitioner is before this Court.

4.I have heard the learned Special Government Pleader appearing for the respondents.

5.Because of the involvement in a criminal case, for which, the petitioner was arrested, the second respondent invoking Rule 17(e) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules placed the petitioner under suspension and the said suspension order is continued for more than one year.

6.In this regard, in **Ajay Kumar Choudhary Vs. Union of India reported in (2015) 7 SCC 291**, the Hon'ble Supreme Court has given certain guidelines, under which the petitioner's prolonged suspension can be reviewed and if in cases, where the employee is arrested pursuant to the criminal case initiated against him, even under the said circumstances, review can be made as to whether the prolonged suspension is necessitated in particular case depending upon the situation.

7.When that being the position, since no review seems to have been made by the respondents on the suspension order issued against the petitioner dated 02.05.2017, in spite of the representations given by the petitioner on 26.12.2017 and 17.03.2018, this Court feels that there is inaction on the part of the respondents in not reviewing the prolonged suspension of the petitioner. Hence, this Court is inclined to pass the following order:

"The respondents are directed to review the suspension order made by the petitioner dated 02.05.2017, pursuant to the representations given by the petitioner dated 26.12.2017 and 17.03.2018 in the light of the guidelines issued by the Hon'ble Apex Court in **Ajay Kumar Choudhary Vs. Union of India reported in (2015) 7 SCC 291** and take a decision as to whether the further continuance of the suspension of the petitioner is required and if so, they must adduce reasons and if the authority decides that the suspension need not be extended or continued, orders



revoking the suspension can also be passed by the respondents. Such orders shall be passed within a period of four weeks from the date of receipt of a copy of this order."

8. With the above direction, this writ petition is disposed of.
No costs.

Sd/-
Assistant Registrar (WRITS)

/True Copy/

Sub Assistant Registrar (CS-II)

To

1. The District Collector,
Trichirappalli District,
Trichy.
2. P.A. to District Collector,
Noon Meal,
Tiruchirappalli District,
Trichy.
3. The Commissioner,
Panchayat Union,
Lalgudi Taluk, Trichy.

+1cc to Mr.S.Vinod Sathya Lazar, Advocate SR.No.77227
+1cc to SPECIAL GOVERNMENT PLEADER, SR.No.77151
Arul
MK/SKN/SAR 2/11.09.2018/3P/6C

**W.P (MD) No.17363 of 2018
and
W.M.P. (MD) No.15269 and 15270 of 2018
03.08.2018**