

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 07.02.2019

CORAM:
THE HONOURABLE MR. JUSTICE K.K. SASIDHARAN
and
THE HONOURABLE MR. JUSTICE P.D. AUDIKESAVALU

W.A. No. 2165 of 2013
and
M.P. No. 1 of 2013

Dr. S.R. Mohanraj ... Appellant/Petitioner

-vs-

The Director of Medical Education,
Directorate of Medical Education,
Kilpauk,
Chennai - 600 010. ... Respondent/Respondent

PRAYER : Writ Appeal filed under Clause 15 of Letter Patent,
praying to set aside the order dated 11.09.2013 in W.P. No.
28422 of 2011.

Prayer in WP.No.28422 of 2011:

Petition filed under Article 226 of the Constitution of
India for the issuance of Writ of Certiorarified Mandamus
calling for the records relating to the order of the Respondent
dated 08.03.2011 in Proceedings No.18149/SCI/2/2011 and the
consequential order dated 28.11.2011 in Ref.No. 18149/SCI/2/2011
and quash the same and consequently direct the Respondent to
forthwith reinstate the Petitioner in service.

For Appellant : Mr. K. Selvaraj

For Respondent : Mrs. A. Srijayanthi
Special Government Pleader

J U D G M E N T

(Judgment of the Court was delivered by K.K. SASIDHARAN, J.)

The Appellant was suspended from service by order dated
08.03.2011 pending initiation of disciplinary proceedings under
Rule 17(e)(2) of the Tamil Nadu Civil Services (Discipline &
Appeal) Rules. The order dated 08.03.2011 and the subsequent
order dated 28.11.2011 rejecting the request for review of
suspension was challenged in the Writ Petition in
W.P. No. 28422 of 2011. The learned Single Judge taking into

account the misconduct, dismissed the Writ Petition. Feeling aggrieved, the Appellant has come up with this intra Court Appeal.

2. The learned counsel for the Appellant contended that except the review made on 28.11.2011, no other review was conducted to review the suspension.

3. There is no dispute that the Respondent by order dated 08.03.2011 placed the Appellant under suspension. The suspension was reviewed by order dated 28.11.2011. Eventhough the Respondent is bound to conduct the review taking into account the spirit of the Judgment in Ajay Kumar Choudhary -vs- Union of India [(2015) 7 SCC 291], no such exercise was undertaken by the disciplinary authority.

4. We direct the Respondent to review the suspension of the Appellant as expeditious as possible and in any case within a period of two months from today. The question of continuing the suspension would depend upon the ultimate orders to be passed by the Respondent.

5. The intra Court Appeal is disposed of with above direction. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

vjt

To

The Director of Medical Education,
Directorate of Medical Education,
Kilpauk, Chennai - 600 010.

+lcc to Mr.K.Selvaraj, Advocate, S.R.No.10580
+lcc to the Government Pleader, S.R.No.11393

W.A. No. 2165 of 2013

NM(CO)

rrs 13/03/2019