

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :09.04.2019

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.10632 of 2019

S.Latha

..Petitioner

vs

1.The District Collector,
Salem District, Salem.

2.The Commissioner,
Salem Panchayat Union,
Salem.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent to forthwith revoke the order of suspension dated 21.12.2018 in Na.Ka.No.727/2018/A1, by considering and passing orders on the representation of the Petitioner dated 01.03.2019.

For Petitioner : Mr.K.Selvaraj

For Respondent : Mr.R.S.Selvam

Government Advocate for R1

M/s.K.Bhuvaneswari

Additional Government Pleader for R2

O R D E R

The order of suspension dated 21.12.2018 is sought to be quashed in the present writ petition.

2.The learned counsel for the writ petitioner states that the petitioner is no way connected with the allegations set out in the impugned order of suspension and therefore, the order of suspension is liable to be scrapped.

3.It is further contended that the writ petitioner has filed a representation to review the order of suspension, the same has not been done by the respondents. The writ petitioner states that atleast a direction must be given to

consider the representation, enabling the authorities to review the order of suspension. The very relief sought for in the present writ petition is to direct the the 1st respondent to forthwith revoke the order of suspension, by considering the representation.

4.This Court is of the considered opinion that even to issue an order of direction to consider the representation, the Court must decide the issues involved in the writ petition. Contrarily, such directions cannot be issued in a mechanical and routine manner. The petitioner has to establish a legal right and further, the Court has to adjudicate the issues involved in the writ petition. Contrarily, such directions are issued in a routine manner, the same will result multiplicity of proceedings and it is not as if, such directions can be issued, shifting the burden to the authorities instead of deciding the issues in the writ petition.

5.Even recently, the Hon'ble Supreme Court of India, in the case of The Government of India & Anr., vs. P.Venkatesh in Civil Appeal No.2425 of 2019 dated 01.03.2019 held as follows:

".....This 'dispose of the representation' mantra is increasingly permeating the judicial process in the High Courts and the Tribunals. Such orders may make for a quick or easy disposal of cases in overburdened adjudicatory institutions. But, they do no service to the cause of justice. The litigant is back again before the Court, as this case shows, having incurred attendant costs and suffered delays of the legal process. This would have been obviated by calling for a counter in the first instance, thereby resulting in finality to the dispute."

6.In the present case on hand, the writ petitioner seeks the revocation of the order of suspension. The writ petitioner was placed under suspension on account of certain serious allegations. The review of the order of suspension is to be undertaken only after a lapse of six months from the date of the order of suspension, even as per the guidelines issued by the Government. Thus, the petitioner is bound to wait till the charges are issued or if the period of six months is lapsed, then the authorities competent are at liberty to review the order of suspension and take a decision, whether further continuance of suspension is required or not.

7.This being the principles to be followed, the direction as such sought for to consider the representation for revocation of the order of suspension dated 21.12.2018 cannot be considered at all.

8.With these observations, the writ petitions stands dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

1.The District Collector,
Salem District, Salem.

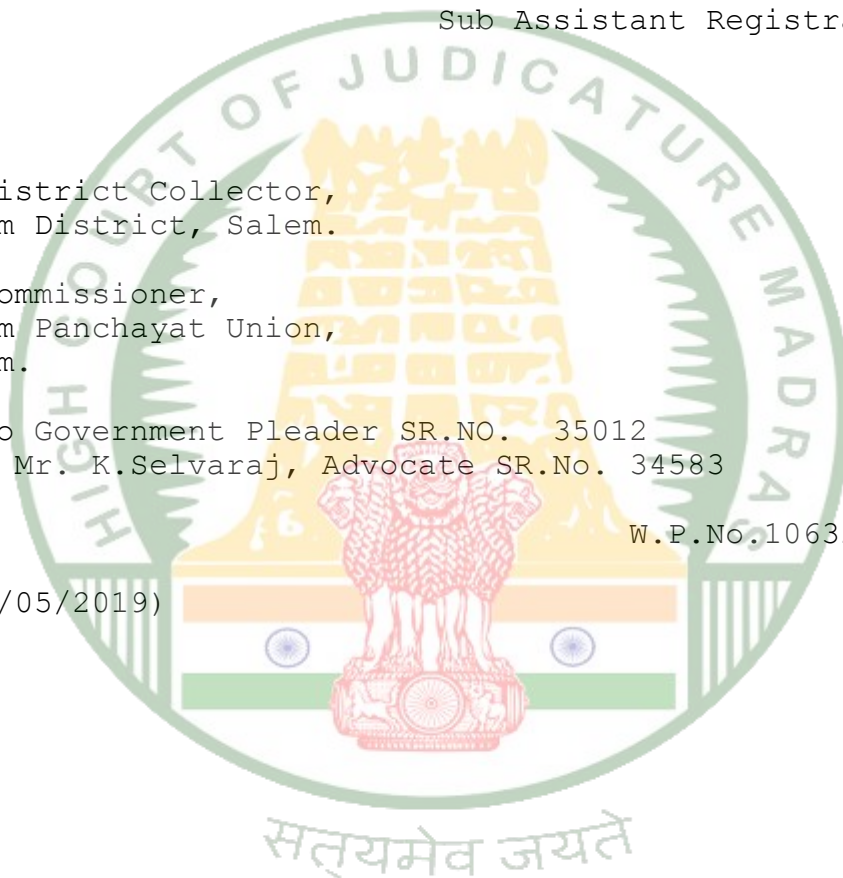
2.The Commissioner,
Salem Panchayat Union,
Salem.

+1 cc to Government Pleader SR.NO. 35012

+1cc to Mr. K.Selvaraj, Advocate SR.No. 34583

W.P.No.10632 of 2019

sj (CO)
A.SK(08/05/2019)



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