

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.08.2019

CORUM

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MS.JUSTICE P.T.ASHA

Writ Appeal No.1956 of 2019
and C.M.P.No.13262 of 2019

A.M.Sivashankar

..... Appellant/Petitioner

Vs

The Secretary,
Tamilnadu Public Service Commission,
Chennai - 03.

..... Respondent/Respondent

APPEAL filed under Clause 15 of the Letters Patent to set aside the order dated 27.03.2019 in W.P.No.18136 of 2018 on the file of this Court.

Prayer in W.P.No.18136 of 2018:

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of order or direction particularly in the nature of writ of Certiorari Calling for the records of the respondents in connection with the impugned order passed by the respondent in Proceedings No.7364/PD - D3/2017 dated 27.11.2017 and quash the same.

For Appellant : Mr.S.Sivakumar

For Respondents: Ms.C.N.G.Niraimathi

J U D G M E N T

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

The appellant was placed under suspension by order dated 27.11.2017 on allegation that he was involved in certain acts of misconduct. The Writ Petition filed by the appellant challenging the order dated 27.11.2017 was dismissed by the

learned single Judge. While rejecting the prayer for setting aside the order of suspension, the learned single Judge made certain observations with regard to the merits of the matter. Feeling aggrieved, the appellant has come up with this intra Court appeal.

2. We have heard the learned counsel for the appellant. We have also heard the learned Standing Counsel for the Tamil Nadu Public Service Commission.

3. There is no dispute that the appellant was placed under suspension by proceedings dated 27.11.2017. It is the case of the appellant that he was not involved in the misconduct as alleged by the respondent. Even though the suspension was made way back on 27.11.2017, there was no effort taken by the respondent to pass an order on merits to decide as to whether continuous suspension of the appellant is necessary in the interest of the organisation.

4. We direct the respondent to review the suspension of the appellant and take a decision as to whether he should still be placed under suspension. While considering the plea for revoking the suspension, the respondent should not be influenced by the observation made by the learned single Judge in the order under appeal. The respondent shall complete the process of review within a period of four (4) weeks from the date of receipt of a copy of this judgment.

5. The intra Court appeal is allowed to the extent indicated above. No costs. Consequently, connected Miscellaneous Petition is closed.

सत्यमेव जयते

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Sd/-
Assistant Registrar

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Sub Assistant Registrar

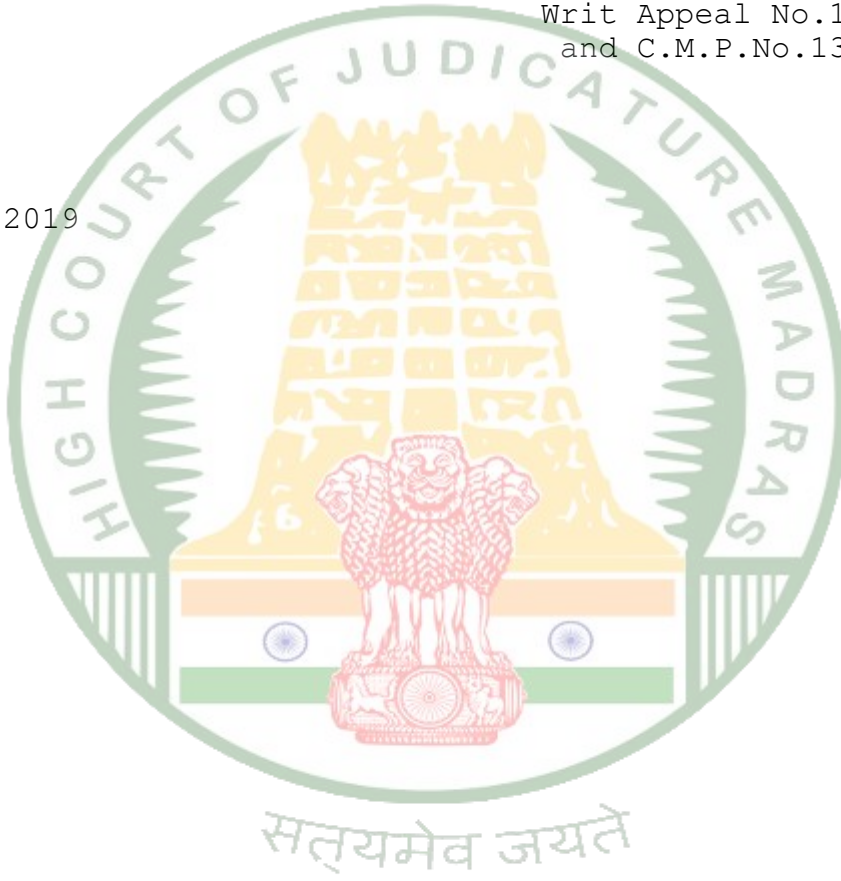
To

The Secretary,
Tamilnadu Public Service Commission,
Chennai - 03.

+lcc to Mr.S.Sivakumar, Advocate Sr.68987

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