

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 17.09.2019
CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.15303 of 2019
and
W.M.P.No.15292 of 2019

J.Anthony Doss

... Petitioner

Vs.

1.The District Revenue Officer
Salem.

2.The Tahsildar
Salem West.

.... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relating to the 1st respondent vide proceedings No.Roc.No.10084/2015/A3, dated 27.03.2015, quash the same and consequently, reinstate the petitioner in service with all attendant benefits.

For Petitioner : Mr.Vijayakumar S.

For Respondents : Mrs.R.Janaki
Additional Government Pleader

O R D E R

Writ Petition is filed for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the 1st respondent vide proceedings No.Roc.No.10084/2015/A3, dated 27.03.2015, quash the same and consequently, reinstate the petitioner in service with all attendant benefits.

2.Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

3.The case of the petitioner is that the petitioner joined in the Revenue Department as Junior Assistant on compassionate appointment on 20.03.2007 and thereafter, he was promoted as Assistant on 13.08.2014. The petitioner was suspended from

service on 27.03.2015 based on the criminal case pending against him. F.I.R. was registered on 25.03.2015 and final report was filed on 08.02.2016. Even after filing final report, the prosecution has not taken any steps to complete the trial. Therefore, the petitioner has made a representation dated 30.12.2018 to the 1st respondent to review the order of suspension. However, till date, the 1st respondent has not considered the same. Hence, the present writ petition.

4. The learned counsel for the petitioner submitted that though the order of suspension has been passed on 27.03.2015, there has been no review. The prolonged suspension cannot be allowed to continue for a long time. He has drawn attention of this Court to the judgment of the Hon'ble Apex Court reported in (2015) 7 SCC 291 (Ajay Kumar Choudhary v. Union of India), in which, it is held that suspension must necessarily be for a short duration. He further submitted that however, it would suffice, if this Court issues direction to the 1st respondent to consider the petitioner's representation dated 30.12.2018 within reasonable time.

5. Learned Additional Government Pleader for the respondents has also conceded the request made by the learned counsel appearing for the petitioner.

6. Considering the limited request made by the petitioner, this Court without expressing any opinion on the merits of the case, hereby directs the 1st respondent to consider the petitioner's representation dated 30.12.2018 and pass appropriate orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

7. The writ petition is disposed of on the above terms. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CJ Conf)

//True Copy//

Sub Assistant Registrar

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To

1. The District Revenue Officer
Salem.

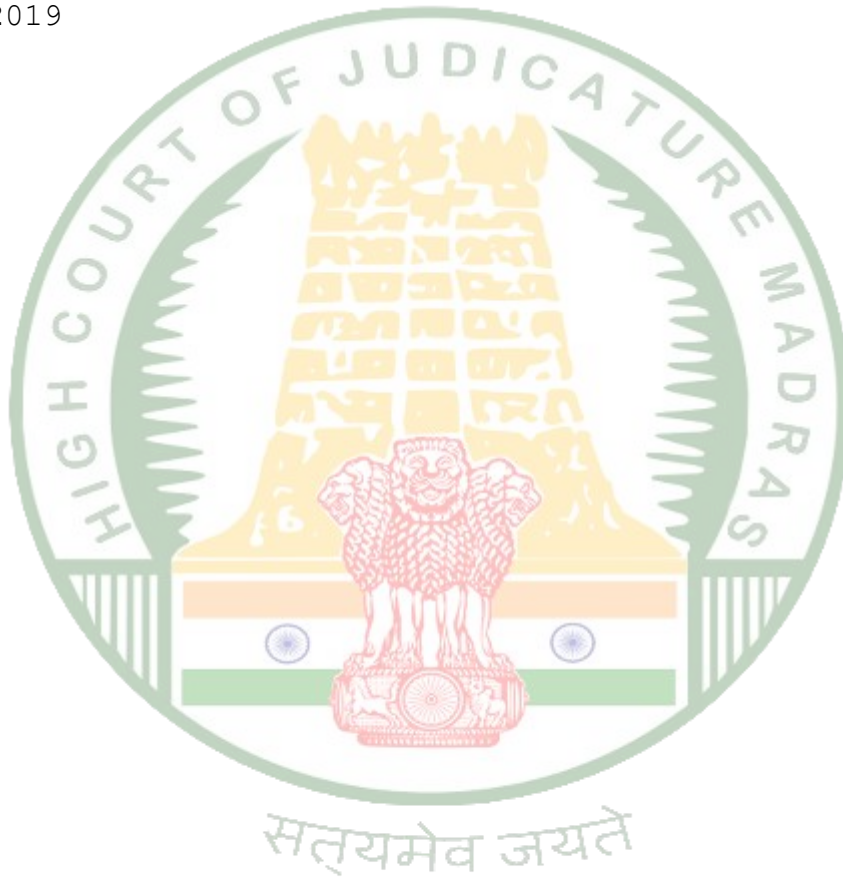
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2.The Tahsildar
Salem West.

+lcc to Mr.Vijayakumar S., Advocate SR.NO.80006

W.P.No.15303 of 2019
and
W.M.P.No.15292 of 2019

ssd(co)
nr 31/10/2019



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