

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.33564 of 2019

and

W.M.P.No.34028 of 2019

K.Sathyamoorthy

... Petitioner

Vs.

1.The Personal Assistant (Development)
to the District Collector
Krishnagiri

2.The Director of Rural Development
and Panchayat Raj
Chennai

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records of the 1st respondent relating to the order of suspension in his proceedings Pro.Roc.No.23154/K1(1) dated 11.09.2018 and to quash the same and to issue consequential directions to the respondent to reinstate the petitioner in service with all consequential benefits.

For Petitioner : Mr.R.Thamaraiselvan

For Respondents : Mr.A.N.Thambi Durai, Spl. G.P.

O R D E R

This petition has been filed by the petitioner to issue a Writ of Certiorarified Mandamus, to call for the records of the 1st respondent relating to the order of suspension in his proceedings Pro.Roc.No.23154/K1(1) dated 11.09.2018 and to quash the same and to issue consequential directions to the respondent to reinstate the petitioner in service with all consequential benefits.

2.The case of the petitioner is that the impugned order was passed by placing the petitioner under suspension vide order dated 11.09.2018 by the 2nd respondent. The petitioner is under prolonged suspension for the past 15 months without any review which is against G.O.Ms.No.30 dated 23.02.2012. The said suspension order is against the decision of the Apex Court as laid down under 2015(2) Scale 432 and the order dated 14.10.2015 passed by this Court in W.P.No.18514 of 2015 etc., Accordingly, a representation was given by the petitioner on 26.05.2019 to

the respondents including the 2nd respondent, the Head of the Department narrating the above facts and the same is yet to be considered. Hence, this writ petition.

3.The learned counsel for the petitioner submitted that, it would suffice if a direction is issued to the respondents to consider the representation of the petitioner dated 26.05.2019, within a reasonable time fixed by this Court to revoke the prolonged suspension order.

4.The learned counsel appearing for the respondents would accede to the submission made by the learned counsel for the petitioner and submitted that if any such representation was received by the respondents, the same will be considered on merits and in accordance with law.

5.Thus, without going into the merits of the case, this Court is inclined to direct the 1st respondent to consider the representation of petitioner dated 26.05.2019 and pass appropriate orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.

6.With the above directions, the writ petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-VIII)

// True Copy//

Sub Assistant Registrar

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To

1.The Personal Assistant (Development)
to the District Collector, Krishnagiri.

2.The Director of Rural Development
and Panchayat Raj, Chennai.

+1cc to Government Pleader, SR.No.100397.

W.P.No.33564 of 2019

AK(CO)

CSR: 08.01.2020