



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2019

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.34958 of 2019

and

W.M.P Nos.35744 & 35745 of 2019

Dr.A.Jalagandeeswaran

Petitioner

vs.

The Director of Animal Husbandry and Veterinary Services,
Integrated Animal Husbandry and Fisheries

Department Office Complex,
Nandanam, Chennai - 600 035.

Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings issued by the respondent in Roc.No.14899/L1/2017 dated 12.04.2017 and to quash the same and consequently directing the respondent to reinstate the petitioner into service atleast in any non-sensitive post.

For Petitioner : Mr.G.Sankaran

For Respondent : Mrs.K.Bhuvaneswari
Additional Government Pleader

ORDER

This writ petition has been filed challenging the suspension order passed by the respondent, dated 12.04.2017 and for a consequential direction to the respondent to reinstate the petitioner into service.

2.It is seen from records that the petitioner was appointed as a Veterinary Assistant Surgeon in the Animal Husbandry Department in the year 1999. He was thereafter transferred and posted at Thanipadi Veterinary Dispensary. A complaint was made and pursuant to the same an FIR came to be registered against the petitioner in Crime No.03 of 2017 for an offence under Section 7 of Prevention of the Corruption Act, 1988. The petitioner was also arrested.

3. The impugned suspension order dated 12.04.2017 came to



be issued against the petitioner since there was a deemed suspension with effect from date of detention in the criminal case on 06.04.2017.

4.The grievance of the petitioner is that he is being kept under suspension since last two years and eight months and he has already made a representation to the respondent to review the order of suspension and to revoke the same and to give postings to the petitioner in a non-sensitive post. This representation was not considered by the respondent and therefore, left with no other option, the petitioner has challenged the suspension order and sought for consequential relief before this Court.

5.Heard Mr.G.Sankaran, learned counsel appearing on behalf of the petitioner and Mrs.K.Bhuvaneswari, learned Additional Government Pleader appearing on behalf of the respondent.

6.Taking into consideration the facts and circumstances of the case and also of the fact that the petitioner is under prolonged suspension from the year 2017 and that there is absolutely no progress in the criminal case and not even trial has started and also taking into consideration the direction given by the Hon'ble Supreme Court of India in Ajay Kumar Choudary case reported in 2015 (7) SCC 291 with regard to cases of this nature, there shall be a direction to the respondent to consider the representation made by the petitioner on 18.01.2018, 29.10.2018 and 12.02.2019 and take a decision with regard to the revocation of the suspension strictly in accordance with law within a period of four weeks from the date of receipt of copy of this order.

7.This writ petition is disposed of with the above directions. Consequently, connected miscellaneous petitions are closed. No Costs.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

ssr

To

1. The Director of Animal Husbandry and Veterinary Services,
Integrated Animal Husbandry and Fisheries
Department Office Complex,
Nandanam, Chennai - 600 035.



2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.G.Sankaran, Advocate, S.R.No. 105122
+1cc to the Government Pleader, S.R.No. 105339

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AD(CO)
GN(20/12/2019)