



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2019

CORAM

THE HON'BLE MR. JUSTICE N.ANAND VENKATESH

W.P.No.35545 of 2019

and

W.M.P.No.36395 of 2019

M.Kumaresan
S/o.N.Munusamy

... Petitioner

.Vs.

1.The Joint Director of School Education (P&R)
Directorate of School Education
D.P.I.Complex, College Road
Chennai-06.

2.The Chief Educational Officer
Dharmapuri - 5.

3.The Block Educational Officer-II
Block Educational Office
Dharmapuri.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records in pursuant to the impugned order passed by the 2nd respondent in proceedings R.C.No.4478/B1/2019 dated 16.07.2019 and quash the same and consequently, direct the 2nd respondent to reinstate the petitioner in service with all consequential service and monetary benefits.

For Petitioner : Mrs.Swadhi Subramaniam

For Respondents: Mrs.V.Annalakshmi
Government Advocate



O R D E R

This writ petition has been filed challenging the order of suspension passed by the second respondent in proceedings dated 16.07.2019 and for a consequential direction to reinstate the petitioner into service with all consequential benefits.

2. The case of the petitioner is that he is working as an Assistant in the Block Educational Office at Dharmapuri. A criminal case came to be registered in Crime No.4 of 2019 by the Department of Vigilance and Anti Corruption and the petitioner was arrested and remanded to judicial custody after a trap was laid and he was caught red handed. The petitioner was kept under suspension by proceedings dated 16.07.2019 under Rule 17 (2) (e) of the Tamil Nadu Civil Service (Disciplinary and Appeal) Rules.

3. The grievance of the petitioner is that he is under suspension for the last 5 months and no charge memo has been issued and the petitioner is kept under prolonged suspension.

4. The learned counsel for the petitioner submitted that in view of the judgment of the Hon'ble Supreme Court in the case of Ajay Kumar Choudhury Vs. Union of India, [2015] 7 SCC 291, such a prolonged suspension is unsustainable and therefore, the respondents will have to necessarily revoke the suspension and if possible, the petitioner can be posted in some insensitive post.

5. Per contra, the learned Government Advocate appearing on behalf of the respondents submitted that the petitioner has already made a representation for revocation of suspension and the same will be considered in accordance with law.

6. This Court has carefully considered the submissions made on either side and perused the materials available on record.

7. This Court is not inclined to interfere with the order of suspension at this stage. The petitioner has already made a representation to the respondents requesting for revocation of the suspension. It will be therefore expedient to direct the second respondent to consider the representation and pass appropriate orders.

8. This Writ Petition is disposed of with a direction to the second respondent to consider the representation made by the petitioner on 18.10.2019 seeking for revocation of the suspension and pass orders strictly in accordance with law, within a period of four weeks from the date of receipt of a copy



of this order. The petitioner is directed to make a representation to the second respondent along with a copy of the earlier representation dated 18.10.2019 and a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar(CS VIII)

True Copy

Sub-Assistant Registrar

mk
To

1.The Joint Director of School Education (P&R)
Directorate of School Education
D.P.I.Complex, College Road
Chennai-06.

2.The Chief Educational Officer
Dharmapuri - 5.

3.The Block Educational Officer-II
Block Educational Office
Dharmapuri.

+1 CC to Mr.R. Prem Narayanan, Advocate sr 106138.
+1 CC to The Govt. Pleader sr 106816.

W.P.No.35545 of 2019

EV(CO)
SP(07/01/2020)