IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2019

CORAM:

THE HONOURABLE DR. JUSTICE S.VIMALA

W.P.No.33192 of 2018
and
W.M.P.No.38519 of 2018

S. Sivakrishnan .. Petitioner

Vs.

1. The Secretary to the Government,
Animal Husbandry, Dairying & Fisheries Dept.,
Government of Tamil Nadu,
Secretariat, Chennai - 9.

2. The Director of Animal Husbandry
and Veterinary Services,
Veterinary Hospital Complex,
Saidapet, Chennai - 35.

3. The Deputy Director of Animal Husbandry,
District Livestock Farm,
Hosur, Krishnagiri District. .. Respondents

PRAYER: Writ Petition has been filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus to call for the records in respect of impugned order passed by the 2nd respondent in his Roc.No.36827/L1/2017-2, dated 07.06.2018 and quash the same and consequently direct the respondents to reinstate the petitioner into service.

For Petitioner : Mr.S.Gunasekaran

For Respondents : Mr.A.N.Thambidurai
Additional Govt. Pleader

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O R D E R

The order of suspension dated 07.06.2018 is under challenge on the ground that it is a prolonged suspension.

2. Learned counsel appearing for the petitioner would submit that the shortage of a sum of Rs.1,33,098/- has been paid by the petitioner. It is also submitted that there is no criminal case pending against the petitioner. Considering the prolonged

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suspension and that there is no review of the order after the initial period of three months, the 3rd respondent may be directed to revoke the order of suspension.

3. Learned counsel appearing for the respondents would submit that there are materials to conduct the enquiry.

4. Be that as it may, the respondents are at liberty to proceed with the contemplated enquiry. Considering the fact that there is no review of the suspension order after expiry of the three months period and in tune to the order passed by the Supreme Court in (2015) 7 SCC 291 "Ajay Kumar Choudhary Vs. Union of India", the respondents are at liberty to impose any condition or transfer and post the petitioner in a non-sensitive post. Therefore, in the interest of both sides, the respondents are directed to revoke the order of suspension dated 07.06.2018 and put him in a non-sensitive post and also impose any other appropriate conditions, if need be.

5. With the above directions, this Writ Petition is disposed of. Consequently, connected miscellaneous petition is closed. No order as to costs.

Sd/-
Assistant Registrar

//True Copy//

asi/avr

Sub Assistant Registrar

To

1. The Secretary to the Government,
   Animal Husbandry, Dairying & Fisheries Dept.,
   Government of Tamil Nadu,
   Secretariat, Chennai - 9.

2. The Director of Animal Husbandry
   and Veterinary Services,
   Veterinary Hospital Complex,
   Saidapet, Chennai - 35.

3. The Deputy Director of Animal Husbandry,
   District Livestock Farm,
   Hosur, Krishnagiri District.

+1 cc to Mr.S.Gunasekaran, Advocate, S.R.No.416
+1 cc to the Government Pleader, S.R.No.994

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SV(CO)
SSM(19/02/2019)

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