



EFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED :19.03.2019
CORAM:

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**

WEB COPY

WP (MD) No.2838 of 2019
and
WMP (MD) No.2149 of 2019

C.Kalimuthan ... Petitioner
Vs.

1.The Joint Director of Agriculture,
Ramanathapuram.

2.The Assistant Director of Agriculture,
Uchipuli,
Ramanathapuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, directing the respondents to review the suspension order dated 04.10.2012 and to reinstate the petitioner in service by considering the petitioner representation dated 11.01.2018.

For Petitioner	: Mr.V.Panneerselvam
For Respondents	: Mr.S.Angappan, Government Advocate

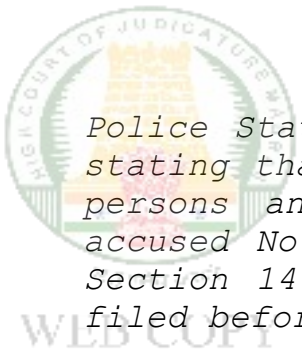
ORDER

This writ petition has been filed seeking to direct the respondents to review the suspension order dated 04.10.2012 and to reinstate the petitioner in service by considering the petitioner's representation dated 11.01.2018.

2. The case of the petitioner is that he was placed under suspension on 04.10.2012, on account of registration of a criminal case against him. In this connection, the petitioner has made representations seeking for enhancement of subsistence allowance in accordance with law and revocation of suspension order. However, so far no action has been taken on his representations. Hence, the petitioner is before this Court.

3.Upon instructions, the 2nd respondent has filed a Counter affidavit, wherein at paragraph No.3, it has been stated as follows:

"3.I submit that the petitioner was appointed as Daily wage employee to the post of Mazthoor. Subsequently, the petitioner was regularised and working in the 2nd respondent office from 22.12.2006. In such circumstances, the Inspector of Police Uchipuli



Police Station by his letter dated 04.10.2012 made a communication stating that the petitioner has involved in a crime of murder of 6 persons and for that occurrence, the petitioner was arrayed as accused No.3 and FIR was registered in Crime No.301 of 2012 under Section 147, 436 and 302 of IPC. Thereafter, the charge sheet was filed before the concerned Court."

4.Further, the learned Government Advocate appearing for the respondent has drawn the attention of this Court to GO.MS.No.241 P & A. R, dated 27.02.1980 for consideration of the claim for revocation of suspension. Such submission is stoutly refuted by the learned Counsel for the petitioner and he urged for a direction to the respondents as the decision of the Hon'ble Apex Court is being violated by the authorities.

5.In view of the above, the respondents are directed to consider the representation of the petitioner dated 11.01.2018, on merits and in accordance with law and also in the light of the Government Order cited above, and pass appropriate orders, after affording opportunity of hearing to the petitioner within a period of eight weeks from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar

/TRUE COPY/

Sub Assistant Registrar

To

1.The Joint Director of Agriculture,
Ramanathapuram.

2.The Assistant Director of Agriculture,
Uchipuli,
Ramanathapuram District.

+1. C.C. to M/S.V.Panneerselvam, Advocate SR.No. 55721
+1 cc to Special Government Pleader, SR.No. 55357

ORDER MADE IN
WP (MD) No.2838 of 2019
19.03.2019