



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P (MD) No.17381 of 2017

S. Muthuselvan

... Petitioner

-Vs-

1.The Director,
Rural Development and Panchayat Department,
Government of Tamil Nadu,
Chennai.

2.The District Collector,
Thirunelveli.

3.The Block Development Officer,
Kadayam Panchayat Union,
Thirunelveli District.

... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents to consider the representation dated 10.07.2017 and permit the petitioner to join duty as Assistant Engineer in the office of Kadayam Panchayat Union, Thirunelveli District.

For Petitioner : Mr.T. R. Jeyapalam
For Respondents : Mr.S. Angappan
Government Advocate

ORDER

The petitioner's representation dated 10.07.2017, to revoke his prolonged suspension has not been considered by the respondents and hence, the petitioner is before this Court.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

3. The learned Government Advocate appearing for the respondents filed a counter affidavit by referring G.O.Ms.No.40 P & AR (N) Department, dated 30.01.1996, which reads as follows:

"Sub Para (II)

In addition to the above, detailed guidelines have already been issued in G.O.Ms.No.40 P & AR (N) Department, dated 30.01.1996 to curtail prolonged suspension in departmental disciplinary cases. In



this case, G.O itself also it has been clearly stated that the time limit prescribed therein does not applicable to the Criminal case.

Para 5

WEB COPY In view of the above settled policy of the Government for at least temporarily keeping away the corruption - charged public servants and / or the public servants charged on their moral - turpitude either in their official and / or private capacity, till they are exonerated of the grave charges, by way of keeping them under suspension from public service so as to encourage cleanliness in the effective delivery of public services to the general public. It is clarified that the instruction issued already in Government Letter No.13519/N/2015-1 dated 23.07.2015 to the effect that the time limit of 3 months on suspension cases specified that therein, are applicable only to the suspension cases arising out of department disciplinary inquiries pertaining to the non vigilance and / or any on criminal cases.

Considering all facts, it has been decided to extend the suspension period beyond 20.07.2017 as second respondent herein level and necessary proposals has been sent to the Director of Rural Development and Panchayat Raj, Chennai the first respondent by the District Collector the second respondent herein and the same is under active consideration. But, it is confirmed that the petitioner herein is under suspension."

4. In such view of the matter, this Court, without going to the merits of the case, directs the respondents to consider the representation of the petitioner dated 10.07.2017, on merits and in accordance with law and pass necessary orders, after affording due opportunity of hearing to the petitioner, within a period of four weeks from the date of receipt of a copy of this order.

5. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar (CS)



To:

1.The Director,
Rural Development and Panchayat Department,
Government of Tamil Nadu,
Chennai.

2.The District Collector,
Thirunelveli.

3.The Block Development Officer,
Kadayam Panchayat Union,
Thirunelveli District.

+1CC TO MR.T.R.JEYAPALAM, Advocate Sr. No.58825

+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No.59265

W.P(MD) No.17381 of 2017

03.04.2019

NRK(CO)

TR (03.05.2019) 3P 6C