



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **28.03.2019**

CORAM:

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

WP(MD)No.4362 of 2017

WEB COPY

G.Vijayan

... Petitioner

Vs.

1.The District Collector,
Madurai District.

2.The District Revenue Officer,
Madurai District, Madurai.

3.The Revenue Divisional Officer,
Madurai Division, Madurai.

... 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 revoke petitioner's suspension order dated 10.10.2012 by considering his representation dated 31.01.2017 and consequently permit him to rejoin duty as VAO, Athikulam Village, Madurai North, Taluk.

For Petitioner : Mr.R.Narayanan

For Respondents :Mr.CM.Marichelliah Prabhu,
Additional Government Pleader

ORDER

This writ petition has been filed seeking to direct the respondents to revoke the petitioner's suspension order dated 10.10.2012 by considering his representation dated 31.01.2017 and consequently, to permit him to rejoin duty as VAO, Athikulam Village, Madurai North, Taluk.

2.The case of the petitioner is that he was placed under suspension on 10.10.2012, on account of registration of a criminal case against him. In this connection, the petitioner has made a representation dated 21.01.2016 seeking revocation of the said suspension order. However, so far no action has been taken on his representation. Hence, the petitioner is before this Court.

3.Upon notice, the third respondent has filed a counter affidavit, wherein at paragraph No.5, it is stated as follows: -

"5. IT is further seen that the criminal case instituted against the petitioner is pending trial and that he was enlarged on bail. It is also settled that order of suspension is not punitive, but on a temporary deprivation of job. In fact the Hon'ble Supreme Court in



Allahabad Bank case has clearly settled the issue that the suspension of the tainted officials need not be lifted since the same is likely to give negative signal to other employees. Moreover the Full Bench of this Hon'ble Court as reported in 2015(3) CTC 465 has held that notwithstanding the pendency of any case, the authority is competent to revoke the order of suspension at any point of time and that is also struck down GO.Ms.No.40 Personnel and Administrative Reformed as ultravires and held that the order of suspension must be reviewed."

4. In response, the learned Counsel for the petitioner stoutly refuted the above said averments.

5. Under such circumstances, this Court, without going into the merits of the case directs the respondents, to consider the petitioner's representation dated 31.01.2017, on merits and in accordance with law and pass necessary 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. With the above direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The District Collector,
Madurai District.
2. The District Revenue Officer,
Madurai District, Madurai.
3. The Revenue Divisional Officer,
Madurai Division, Madurai.

+1cc to Mr.R.Narayanan, Advocate, SR.No.57731
+1cc to Special Government Pleader, SR.No.57970

WP (MD) No.4362 of 2017
28.03.2019

SP/27.04.2019/ 2P/6C