



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.11.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P(MD)No.24692 of 2019

and

W.M.P(MD)No.21325 of 2019

WEB COPY

Sureshkumar

... Petitioner

vs.

The Revenue Divisional Officer,
Periyakulam Division,
Periyakulam,
Theni District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the respondent vide her office proceedings in Roc.No.6154/2018/A2, dated 29.11.2018 and quash the same and further direct the respondent to reinstate the petitioner in the post of Village Administrative Officer within a stipulated period fixed by this Hon'ble High Court.

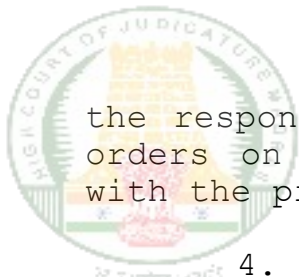
For Petitioner	: Mr.S.M.Anantha Murugan
For Respondent	: Mr.C.M.Mari Chellaiah Prabhu Additional Government Pleader

ORDER

This writ petition is filed challenging the order of suspension passed by the respondent vide proceedings in Roc.No.6154/2018/A2, dated 29.11.2018 and to quash the same and further direct the respondent to reinstate the petitioner in the post of Village Administrative Officer.

2. Mr.C.M.Mari Chellaiah Prabhu, learned Additional Government Pleader takes notice for the respondent. By consent of both parties, the Writ Petition is taken up for final disposal at the stage of admission itself.

3. According to the petitioner, while he was working as Village Administrative Officer, he was arrested on the allegation of demanding and accepting bribe. The petitioner was suspended from service on 29.11.2018. The petitioner was enlarged on bail on 21.12.2018. The investigation in the criminal case has been completed. There is no progress in the criminal proceedings. The respondent has not initiated any departmental proceedings against the petitioner till today. The petitioner gave representation to



the respondent on 30.08.2018 and the respondent has not passed any orders on the representation. Hence, the petitioner has come out with the present writ petition.

4. From the materials on record, it is seen that the petitioner is kept under suspension from 29.11.2018. The Hon'ble Apex Court in **Ajay Kumar Choudhary Vs. Union of India** reported in **(2015) 7 SCC 291** has held that the suspension order should not extend beyond three months, if within this period the memorandum of charges/charge sheet is not served on the delinquent officer/employee; if the memorandum of charges/charge sheet is served, a reasoned order must be passed for the extension of the suspension. In view of the judgment of Hon'ble Apex Court in **Ajay Kumar Choudhary Vs. Union of India** reported in **(2015) 7 SCC 291**, the respondent is directed to consider the representation of the petitioner, dated 30.08.2018, for revocation of suspension taking into consideration the judgment of the Hon'ble Apex Court referred to above and pass orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

5. With the above directions, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

Am

To

The Revenue Divisional Officer,
Periyakulam Division,
Periyakulam,
Theni District.

+1 CC to Mr.S.M.ANANTHA MURUGAN, Advocate (SR-100451[F] dated 22/11/2019)

+1 CC to SPL GP (SR-101153[F] dated 25/11/2019)

W.P(MD)No.24692 of 2019

22.11.2019

MK (20.12.2019) 2P 4C