



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.07.2019

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THE HONOURABLE MR.JUSTICE **D.KRISHNAKUMAR**

W.P. (MD) No.12974 of 2017

and

W.M.P. (MD) Nos. 10058 & 10059 of 2017

R.Raja Durai

...Petitioner

Vs.

The Assistant Director and P.A. to
District Collector (Land Survey),
District Land Survey Office,
Madurai - 20.

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of suspension passed by the Respondent in his proceedings ROC.S4/6921/2011 dated 26.08.2011 as well as the impugned rejection order of revocation of petitioner's suspension passed by the Respondent in his proceedings in Na.Ka.Ni.A.4/6921/2011 dated 24.05.2017, quash the same as illegal and consequently direct the Respondent to revoke the order of suspension and reinstate the petitioner into service as Firka Surveyor with all service and mandatory benefits.

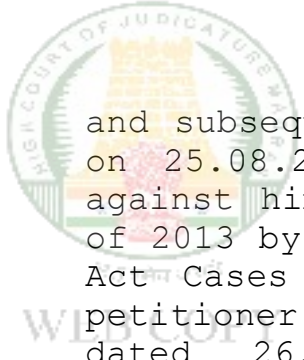
For Petitioner : Mr.D.Selvanayagam

For Respondent : Mr.Aayiram K.Selvakumar
Additional Government Pleader

ORDER

This Writ Petition has been filed to quash the impugned order of suspension passed by the respondent in ROC.S4/6921/2011 dated 26.08.2011 as well as the impugned rejection order of revocation of petitioner's suspension passed by the respondent in Na.Ka.Ni.A.4/6921/2011 dated 24.05.2017.

2.The learned counsel for the petitioner would submit that in the year 1985, the petitioner was appointed as Survey Assistant



and subsequently, he was promoted as Firka Surveyor. Thereafter, on 25.08.2011, a case in Cr.No.8 of 2011 has been registered against him and the same has also been taken on file in C.C.No.1 of 2013 by the learned Special Court, Vigilance and Anticorruption Act Cases Court, Madurai. Pursuant to the criminal case, the petitioner was placed under suspension by the respondent by order dated 26.08.2011. After that, the petitioner made a representation on 04.08.2014 to the respondent to revoke the order of suspension and on such representation, on 24.05.2017, the respondent has passed an order by stating that the petitioner would be placed under suspension continuously. Hence, challenging the impugned order of suspension dated 26.08.2011 and the rejection order of revocation dated 24.05.2017 on the ground of prolonged suspension and in the light of judgment rendered by the Hon'ble Supreme Court in the case of **Ajay Kumar Choudhary Vs. Union of India (UOI) and others** reported in **2015 (3) CTC 119**, the present writ petition has been filed.

3.Further, the learned counsel for the petitioner would submit that the matter may be referred to the respondent to pass appropriate orders on merits and in accordance with law afresh in the light of the decision of the Hon'ble Supreme Court in the case cited supra.

4.The learned Additional Government Pleader appearing for the respondents would submit that if the impugned rejection order of revocation of petitioner's suspension is set aside and the matter is remanded to the respondent to consider the petitioner's representation dated 04.08.2014 afresh, the same will be considered as expeditiously as possible on merits and in accordance with law.

5.In view of the submission made by the learned Additional Government Pleader and on perusal of the impugned rejection order of revocation dated 24.05.2017, this Court has no hesitation to quash the impugned order dated 24.05.2017 and remit back the matter to the respondent to consider the representation of the petitioner dated 04.08.2014 afresh.

6.Accordingly, the impugned rejection order dated 24.05.2017 passed by the respondent in Na.Ka.Ni.A.4/6921/2011 is hereby quashed. The respondent is directed to consider the petitioner's representation dated 04.08.2014 afresh and pass appropriate orders on merits and in accordance with law as expeditiously as possible in the light of the judgment in **Ajay Kumar Choudhary's case (cited supra)**. The petitioner is directed to send a copy of the representation dated 04.08.2014 to the respondent along with the copy of this order so as to enable the respondent to comply with the above directions.



7.This Writ Petition is allowed accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

To

The Assistant Director and P.A. to District Collector
(Land Survey),
District Land Survey Office,
Madurai - 20.

+1 CC to SPECIAL GOVERNMENT PLEADER (SR-74511[F] dated 10/07/2019)

+1 CC to Mr.D.SELVANAYAGAM, Advocate (SR-74654[F] dated 11/07/2019)

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09.07.2019

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