



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.12.2019

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P. (MD) No.27071 of 2019

P.Ramanathan

... Petitioner

-Vs-

1.The District Collector
Collectorate Campus
Madurai District

2.The Block Development Officer
Madurai East Panchayat Union Office
Madurai District

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent no.1 to revoke the suspension of the petitioner and reinstate the petitioner in the post of Assistant by considering the representation of the petitioner dated 21.11.2019 in the light of the Judgment of the Hon'ble Supreme Court in *Ajay Kumar Choudhary Vs.Union of India* reported in (2015) 7 SCC 291, within a time stipulated by this Court.

For Petitioner	: Mr.T.Lajapathi Roy
For R1	: Mr.V.Anand Government Advocate
For R2	: Mr.N.Shanmuga Selvan Additional Government Pleader

ORDER

This Writ petition has been filed for a direction to the first respondent to revoke the suspension of the petitioner and reinstate the petitioner in the post of Assistant by considering the representation of the petitioner, dated 21.11.2019 in the light of the Judgment of the Hon'ble Supreme Court in ***Ajay Kumar Choudhary Vs.Union of India reported in (2015) 7 SCC 291***, within a time to be fixed by this Court.

2. Mr.V.Anand, learned Government Advocate takes notice for the first respondent and Mr.N.Shanmuga Selvan, learned Additional Government Pleader takes notice for the second respondent. By consent of parties, this Writ Petition is taken up for final disposal at the stage of admission itself.



3.The case of the petitioner is that he was appointed as B.T.Assistant in Science on 26.09.2014 at Government High School, Selliampatti, Sivagangai District. Due to personal enmity, one S.Jagdish lodged a complaint against the petitioner. Hence, First Information Report in Crime No.17 of 2019 was registered under Section 7 of Prevention of Corruption Act, 1988 on 31.07.2019. Subsequently, the petitioner was arrested on 31.07.2019 and released on bail on 08.08.2019. In this circumstance, the first respondent has issued the order of suspension under Rule 17(e) of Tamil Nadu Civil Services (Discipline and Appeal) Rules on 01.08.2019. Therefore, the petitioner gave representation, dated 21.11.2019 to the first respondent requesting to review the order of suspension and subsequently, revoke the same. But, so far, the first respondent has not passed any order on the representation given by the petitioner. Hence, the petitioner has come up with the present Writ petition.

4.Though the learned counsel for the petitioner has sought for larger relief, he restricted the prayer to consider the representation of the petitioner, dated 21.11.2019.

5.Considering the limited scope of prayer sought for in the Writ petition, the first respondent is directed to consider the representation of the petitioner, dated 21.11.2019 and pass orders on merits and in accordance with law, in the light of the Judgment of the Hon'ble Supreme Court in **Ajay Kumar Choudhary Vs.Union of India reported in (2015) 7 SCC 291**, within a period of four (4) weeks from the date of receipt of a copy of this order. While sending the copy of this order, the petitioner shall enclose the copy of the representation, dated 21.11.2019 to the first respondent.

6.With the above directions, this Writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(Writs)

// True Copy //

Sub Assistant Registrar(CS)

msa



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Collectorate Campus
Madurai District

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