

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION No.11321 of 2019

ORDER:

With the consent of both the counsel, this writ petition is being disposed of at the stage of admission.

This writ petition is filed seeking the following relief :-

“ to issue a writ in the nature of Mandamus or any other appropriate writ, order or direction by declaring the action of the respondents in not reviewing the order of suspension for reinstatement of the petitioner into service as per G.O.Ms.No.86, G.A. (Ser.C) Department, dt.8.3.1994 and continuing the petitioner under suspension as illegal, arbitrary and unconstitutional being violative of Articles 14, 16 and 21 of Constitution of India and consequently direct the respondents to review the order of suspension issued by the 5th respondent in proceedings No.E1/ 2000/ 2018-1, dt.10.10.2018 for reinstatement of the petitioner into service as was done in cases of similarly placed persons reinstating into service vide Memo No.97/ SC/ A1/ 2015-2, dt.17.12.2015 by following the law laid down by Honorable Supreme Court of India ”.

Heard Sri S.Gopal Rao, learned counsel for the petitioner and the learned Government Pleader for Services-II.

It has been contended by the petitioner that he was appointed as Junior Assistant on compassionate grounds and while he was discharging duties, the respondents have placed him under suspension vide proceedings dated 10.10.2018. The respondents have not reviewed the suspension order in terms of G.O.Ms.No.86 dated 08.03.1994 and also not reviewed the case of the petitioner in terms of the judgment rendered by the Apex Court in *Ajay Kumar*

Choudhary Vs. Union of India in Civil Appeal No.1912 of 2015 dated 16.02.2015.

Learned counsel appearing for the petitioner has contended that appropriate orders be passed in the writ petition directing the respondents to review the suspension order of the petitioner strictly in terms of G.O.Ms.No.86 dated 08.03.1994 and also in terms of the aforesaid judgment rendered by the Apex Court.

Learned Government Pleader appearing for respondents has contended that the case of the petitioner will be considered and appropriate orders would be passed in accordance with G.O.Ms.No.86 dated 08.03.1994 and also in terms of the aforesaid judgment rendered by the Apex Court.

This Court, having considered the rival submissions of the learned counsel for the respective parties, is of the considered view that this writ petition can be disposed of directing the respondents to review the suspension order of the petitioner strictly in terms of G.O.Ms.No.86 dated 08.03.1994 and also in terms of the aforesaid judgment rendered by the Apex Court and pass appropriate orders in accordance with law within six weeks from the date of receipt of a copy of this order.

With the above observations, the writ petition is disposed of.
No order as to costs.

As a sequel, miscellaneous petitions pending, if any, in this writ petition shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILU

11.06.2019
Prv

