

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.14250 OF 2019

ORDER

This writ petition is filed seeking the following relief:

“...to issue an appropriate Writ, Order or Direction more particularly one in the nature of a Writ of Mandamus declaring the action of the 4<sup>th</sup> respondent in placing the petitioner under suspension without jurisdiction *vide* impugned order issued in proceedings No.F/150/2019 dated 13-02-2019 and the related action of the 3<sup>rd</sup> respondent in ratifying the same *vide* proceedings No. A3/213/2019, dated 18.02.2019 without paying subsistence allowance as being arbitrary, illegal without jurisdiction (in so far as the order dated 13.02.2019 is concerned) and in violation of Article 14 of the Constitution of India and set aside the same accordingly and further be pleased to hold that the petitioner is entitled to be reinstated into service with all consequential benefits duly treating the suspension period as on duty for all purposes and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

Heard Sri V.Ravichandran, learned counsel appearing for the petitioner and learned Government Pleader for Services-II appearing for the respondents.

It is the case of the petitioner that he is working as Village Revenue Officer and he is discharging his duties as such. While so, the 4<sup>th</sup> respondent has placed him under suspension *vide* order dated 13.02.2019.

Learned counsel appearing for the petitioner submits that the 4<sup>th</sup> respondent is not competent authority to pass the impugned suspension order and the 3<sup>rd</sup> respondent-District Collector is the competent authority and that the impugned suspension order passed by the 4<sup>th</sup> respondent was ratified by the

3<sup>rd</sup> respondent *vide* order dated 18.02.2019, which is illegal and arbitrary. Learned counsel further submits that the respondents are not reviewing the suspension order and continuing the petitioner under suspension without paying any subsistence allowance and that the respondents be directed to review the suspension order strictly in terms of G.O.Ms.No.86, dated 08.03.1994.

Learned Government Pleader appearing for the respondents submits that the respondents would consider the case of the petitioner and review the suspension order in terms of G.O.Ms.No.86, dated 08.03.1994.

Having considered the rival submissions made by the learned counsel on either side, this Writ Petition can be disposed of directing the respondents to review the suspension order strictly in terms of G.O.Ms.No.86, dated 08.03.1994 and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

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JUSTICE ABHINAND KUMAR SHAVILI

8<sup>th</sup> August, 2019  
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