

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.23832 OF 2019

ORDER:

This writ petition is being disposed of at the admission stage with the consent of both parties.

This writ petition is filed seeking a writ of Mandamus to declare the action of the respondents in continuing the petitioner under suspension beyond the period of three months on unwarranted reasons for the last nine months without reviewing the period of suspension after every three months, and also the action of the respondents in failing to issue charge memo and conduct enquiry by prolonging the suspension for the last nine months, as unconstitutional, unjust, unfair, arbitrary and contrary to the judgment rendered by the Hon'ble Supreme Court in *Ajay Kumar Chowdhary v. Union of India* (Civil Appeal No.1912 of 2015 Arising out of SLP No.31761 of 2013) and prays for quashing the suspension orders with a direction to the respondents to reinstate the petitioner into service.

Heard Sri Ch. Ganesh, counsel for the petitioner, and Ms.W. Rachana, Standing Counsel appearing for the 2nd respondent.

It has been contended by the petitioner that he is a Senior Assistant and the 2nd respondent has placed him under suspension vide proceedings dated 16.02.2019 and thereafter the respondents have not initiated any further action against him. It is also stated that as per the Rules, the respondents are supposed to review the suspension orders after completion of three months, but in spite of the lapse of nearly nine

months from the date of suspension, the respondents are not reviewing the suspension orders.

Therefore, counsel for the petitioner submitted that appropriate orders be passed in the writ petition directing the respondents to review the suspension orders strictly in terms of G.O.Ms.No.86 dated 08.03.1994 and pass appropriate orders.

Standing Counsel appearing for the 2nd respondent had contended that the suspension orders of the petitioner would be reviewed in accordance with law and appropriate orders would be passed within a reasonable period of time.

This Court, having considered the submissions of learned counsel appearing for the respective parties, is of the considered view that this writ petition can be disposed of directing the respondents to review the suspension orders of the petitioner strictly in terms of G.O.Ms.No.86 dated 08.03.1994 and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order.

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

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

