

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION No.3705 of 2017

ORDER:

This writ petition is filed seeking the following relief :-

“.....to issue an appropriate Writ, direction or Order more particularly one in the nature of Writ of mandamus declaring the action of the respondents in not reinstating the petitioner into service by reviewing the review order of suspension vide Proceedings No.4292/ SC/ ES/ GHMC/ 2014 dated 18.09.2015 as per G.O.Ms.No.86 General Administration (Ser.C) Department, dated 08.03.1994 though the original order of suspension vide proceedings No.Rc.4292/ B/ LWS/ GHMC/ 2013-14/ 1, dated 29.01.2014 is more than two years is lapsed is highly illegal and unjustified with a direction to the respondents to reinstate the petitioner into service by reviewing the review order of suspension Proceedings No 4292/ SC/ ES/ GHMC/ 2014 dated 18.09.2015 as per G.O.Ms.No.86, General Administration (Ser.C) Department, dated 08.03.1994....”.

Heard Mr.M.V.S Sai Kumar, the learned counsel for the petitioner, the learned Government Pleader for respondents 1 and 2 and the learned Standing Counsel for respondents 3 and 4.

It has been contended by the petitioner that he is working as Public Health Worker and while discharging his duties, the respondents have placed him under suspension vide proceedings dated 29.01.2014 on the alleged ground that he has created fake adoption deed and by virtue of the said document, he got appointment under compassionate grounds.

The grievance of the petitioner is that though more than five months have elapsed, the respondents are not reviewing the suspension order. Challenging the same, the present writ petition is filed.

Learned counsel for the petitioner submits that the respondents cannot place the petitioner under suspension eternally and the respondents are bound to review the suspension order in terms of G.O.Ms.No.86 dated 08.03.1994. Therefore, appropriate orders be passed in the writ petition directing the respondents to review the suspension order and pass appropriate orders in terms of G.O.Ms.No.86 dated 08.03.1994.

Learned Government Pleader as well as the learned Standing Counsel appearing for the respondents have contended that the case of the petitioner will be reviewed and appropriate orders would be passed in terms of G.O.Ms.No.86 dated 08.03.1994.

This Court, having considered the rival submissions made by 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 and pass appropriate orders in terms of G.O.Ms.No.86 dated 08.03.1994 within a period of eight 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.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVIL, J

Date: 23-10-2019
Prv

