



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.07.2020

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THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD)No.8159 of 2020

(Through Video conferencing)

M.Balasundaram

...Petitioner

-Vs-

1.The District Collector,
Karur District, Karur.

2.The Managing Director,
Tamil Nadu Cable TV Corporation,
Chennai.

...Respondents

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the 1st respondent to forthwith reinstate the petitioner as Special Tahsildar and post the petitioner at any one of non-sensitive post within the time stipulated by this Court in the light of dictum laid down by the Hon'ble Supreme Court in the case of **Ajay Kumar Choudhary Vs Union of India**, reported in **2015(7) SCC 291**.

For Petitioner : Mr.S.Balamurugan
For Respondents : Mr.A.Thiyagarajan, G.A.

ORDER

The prayer sought for herein is for a writ of Mandamus, directing the 1st respondent to forthwith reinstate the petitioner as Special Tahsildar and post the petitioner at any one of non-sensitive post within the time stipulated by this Court in the light of dictum laid down by the Hon'ble Supreme Court in the case of **Ajay Kumar Choudhary Vs Union of India**, reported in **2015(7) SCC 291**.

2.Heard Mr.S.balamurugan, learned counsel appearing for the petitioner and Mr.A.Thiyagarajan, learned Government Advocate appearing for the respondents.



3.The petitioner was working as Tahsildar. While so, on 08.07.2019, due to a vigilance and anti corruption case in crime No.3 of 2019 registered at Karur, the petitioner has been placed under suspension and from that day, he has been under suspension. In this regard, it is the grievance of the petitioner that, he has been in prolonged suspension from July 2019, which is more than a year and in between, the suspension has never been considered and no charge sheet in the criminal case has been filed and no other disciplinary proceedings have been initiated departmentally by the respondents also. When that being so, whether the prolonged suspension is necessitated against the petitioner or his suspension can be revoked at a particular point of time can even be reviewed by the respondents in the light of the law declared by the Supreme Court of India in **Ajay Kumar Choudhary Vs Union of India**, reported in **2015(7) SCC 291**. However, no such exercise has been undertaken by the respondents and in this regard, the petitioner has given representation after representation in January 2020, February 2020, March 2020 and July 2020 and such last representation dated 04.07.2020 has also not been considered. Therefore, the petitioner is before this Court with the aforesaid prayer.

4.I have heard the learned Government Advocate appearing for the respondents, who would submit that, in view of the vigilance and anti corruption case, which is pending against the petitioner, he has been placed under suspension. Unless and until some progress is made in the said criminal case pending against him, his suspension may not be reviewed at this stage, at any rate, in view of the law having been declared by the Hon'ble Supreme Court in **Ajay Kumar Choudhary Vs Union of India**, reported in **2015(7) SCC 291**, his representations submitted in this regard from January 2020 onwards including the last representation dated 04.07.2020 would be considered by the respondents on merits and in accordance with law and an order to that effect would be passed within a time frame.

5.Considering the said submissions made by both sides and after having perused the materials placed before this Court, this writ petition is disposed of with the following order:

"the respondents are hereby directed to consider the representations of the petitioner dated 06.01.2020, 29.01.2020, 28.02.2020, 29.03.2020 and lastly on 04.07.2020 and pass orders thereon by reviewing the prolonged suspension, under which, the petitioner has been placed under suspension for more than one year, in the light of the law declared by the Hon'ble Supreme



Court in **Ajay Kumar Choudhary Vs Union of India**, reported in **2015(7) SCC 291**, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

6. With this direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The District Collector,
Karur District, Karur.
2. The Managing Director,
Tamil Nadu Cable TV Corporation,
Chennai.

Order made in
W.P. (MD) No. 8159 of 2020
28.07.2020

vr (CO)

TR(12.08.2020) 3P 3C