



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.08.2020

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THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD)No.9599 of 2020

(Through Video conferencing)

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T.Al.Ameen

...Petitioner

-Vs-

The Assistant Director of Survey and
Land Records,
O/o.the Assistant Director of Survey and
Land Records,
Tirunelveli.

...Respondent

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the respondent to revoke the order of suspension in the light of the judgment of the Hon'ble Apex Court in **Ajay Kumar Choudhary Vs. Union of India reported in (2015) 7 SCC 291** within the time period stipulated by this Court.

For Petitioner : Mr.T.Aswin Rajasimman for
Mr.T.Lajapathi Roy

For Respondent : Mr.A.Thiyagarajan, G.A.

ORDER

The prayer sought for herein is for a writ of Mandamus, directing the respondent to revoke the order of suspension in the light of the judgment of the Hon'ble Apex Court in **Ajay Kumar Choudhary Vs. Union of India reported in (2015) 7 SCC 291** within the time period stipulated by this Court.

2.Heard Mr.T.Aswin Rajasimman, learned counsel appearing for the petitioner and Mr.A.Thiyagarajan, learned Government Advocate appearing for the respondent.

3.The petitioner was working as Sub Inspector of Survey at the respondent department. While so, he was arrested on 18.12.2019 in relation to Vigilance and Anti Corruption case and accordingly, he has been in judicial custody for more than 48 hours. The said incident has necessitated the respondent to place the petitioner under suspension by order dated 24.01.2020. Accordingly, the petitioner has been suspended and he has been in suspension since then.



4. In this regard, the learned counsel appearing for the petitioner would submit that, though the petitioner has been in suspension for nearly 7 and 8 months, no progress has been shown in the criminal case, where investigation yet to be completed and no charge sheet has been filed and no departmental proceeding also is initiated. When that being so, as per the principle laid down by the Hon'ble Supreme Court in ***Ajay Kumar Choudhary Vs. Union of India reported in (2015) 7 SCC 291*** cited above, the respondent has to review the suspension with three months intervals as to whether the continued and prolonged suspension on the petitioner has to be further extended and in that case, reasons to be recorded therein. Without reviewing the suspension, since the petitioner has been kept in suspension, the petitioner has given representation on 27.07.2020 to the respondent. Hence, the learned counsel appearing for the petitioner submits that, if the said representation is directed to be considered on merits, within a time frame stipulated by this Court, the petitioner would be satisfied.

5. Heard the learned Government Advocate, who would submit that, in view of the said factual matrix, where a Vigilance and Anti Corruption case is pending against the petitioner, whether the suspension order passed against the petitioner dated 24.01.2020 required to be extended further would be decided by making a review in this regard. Accordingly, the request made by the petitioner in this regard through his representation dated 27.07.2020 would be considered on merits and appropriate decision would be taken therein, within a time frame to be stipulated by this Court.

6. Having regard to the said submission made by the learned counsel for both sides and considering the factual matrix of this case, this Court is inclined to dispose of this writ petition with the following order:

"The respondent is directed to consider the representation of the petitioner dated 27.07.2020 and decide the same on merits and in accordance with law by making a review of the suspension order dated 24.01.2020 against the petitioner 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*** and pass orders thereon, within a period of six weeks from the date of receipt of a copy of this order. "



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

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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

The Assistant Director of Survey and
Land Records,
O/o. the Assistant Director of Survey and
Land Records,
Tirunelveli.

+1 CC to Mr.T. LAJAPATHI ROY, Advocate (SR-14491[F] dated
20/08/2020)

Order made in
W. P. (MD) No. 9599 of 2020
19.08.2020

PM(CO)
KM (05.10.2020) 3P 3C