



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.10.2020

CORAM:

**THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY**

W.P.[MD]No.14082 of 2020

WEB COPY

S.Appadurai

... Petitioner

Vs.

The District Collector,  
Tenkasi,  
Tenkasi District.

... Respondent

PRAYER : This Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, directing the respondent to revoke the order of suspension passed by the respondent vide his proceedings in ROC No.N5/48026/2019 dated 13.12.2019 in the light of the judgment passed by the Hon'ble Apex Court in Ajaykumar Chowdhary Vs. Union of India as well as Govt. Letter dated 23.07.2015 based on the petitioner's representation dated 12.03.2020 and 01.09.2020 within the time limit that may be stipulated by this Court.

For Petitioner : Mr.G.Thalaimutharasu

For Respondent : Mr.N.Shanmugaselvan  
Additional Government Pleader

### O R D E R

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2.This writ petition has been filed to issue appropriate direction to the respondent to dispose of the petitioner's representations dated 12.03.2020 and 01.09.2020 within the time frame as fixed by this Court.

3.Mr.G.Thalaimutharasu, learned counsel for the petitioner would submit that though the petitioner was suspended on 13.12.2019, no charge memo has been issued till date. In this regard, he refers to the judgment of our Hon'ble Apex Court in the case of **Ajay Kumar Choudhary Vs Union of India** reported in (2015) 2 SCC 291 had held that the currency of suspension order should not normally extend beyond three months, if within this period the memorandum of charges/charge sheet has not been served on the delinquent officer/employee. However, in the present case, neither charge memo nor charge sheet has been filed within three months as indicated in the aforesaid decision. In the regard, the petitioner



has given detailed representations on 12.03.2020 and 01.09.2020. Till date, no action has been taken in the said representations.

4.Mr.N.Shanmugaselvan, learned Additional Government Pleader appearing for the respondent admitted the fact that the suspension order was passed on 13.12.2019. However, they are in the process of issued the charge memo. He would further submit that the said representations will be disposed on merits and in accordance with law within the time fixed by this Court.

5.In view of the submission made by the learned counsel appearing on either side, this Court directs the respondent to dispose of the petitioner's representations dated 12.03.2020 and 01.09.2020 within a period of four weeks from the date of receipt of a copy of this order on merits and in accordance with law.

6.With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (writs)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Cp

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 District Collector,  
Tenkasi,  
Tenkasi District.

+1 CC to SPL GP ( SR-19798[F] dated 12/10/2020 )

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VB (03.11.2020) 2P 3C