



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P. (MD)No.14719 of 2020

WEB COPY

R.Natarajan

... Petitioner

Vs.

The Revenue Divisional Officer,
O/o. Revenue Division Office,
Tenkasi,
Tenkasi District.

... Respondent

PRAYER : This Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, to direct the respondent to revoke the suspension of the petitioner dated 26.06.2020 and reinstate the petitioner in the post of Village Administrative Officer in the light of the order passed by the Hon'ble Supreme Court in Ajay Kumar Choudhary Vs Union of India reported in (2015) 7 SCC 291 within the time stipulated by this Court.

For Petitioner	: Mr.I.Pinaygash
For Respondent	: Mr.K.P.Narayanakumar Special Government Pleader

O R D E R

This writ petition has been filed to direct the respondent to revoke the suspension of the petitioner dated 26.06.2020 and reinstate the petitioner in the post of Village Administrative Officer in the light of the order passed by the Hon'ble Supreme Court in Ajay Kumar Choudhary Vs Union of India reported in (2015) 7 SCC 291 within the time stipulated by this Court.

2.The learned counsel appearing for the petitioner would submit that the petitioner was initially appointed as Village Administrative Officer at Melapavoor Village, Tenkasi District. Since the criminal case pending against the petitioner, he was suspended from service on 26.06.2020 by the respondent. He would further submit that though the suspension order was issued on 26.06.2020, the respondent has not conducted any enquiry till date and no charge memo has been issued. In support of his contention, he refers to the judgment of our Hon'ble Apex Court in the case of **AJAY KUMAR CHOUDHARY Vs., UNION OF INDIA THROUGH ITS SECRET ANR.**, reported in (2015) 2 SCC 291, wherein it has been categorically held that the currency of the suspension order should not extend beyond the period of three months, if the memorandum of charge/ charge sheet is not served on the delinquent officer and in case memorandum



of charge /charge sheet is served, reasoned order must be passed for the extension of the suspension. However, in the present case, neither charge memo nor charge sheet has been filed within three months as indicated in the aforesaid decision. Hence, the petitioner has given a representation on 06.10.2020 to the respondent to revoke the suspension order. However, till date, no action has been taken in the said representation. Hence, he approaches this Court to pass appropriate orders.

3.The learned Special Government Pleader appearing for the respondent would fairly submit that the representation of the petitioner will be disposed on merits and in accordance with law within the time fixed by this Court.

4.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 representation dated 06.10.2020 in the light of the judgment reported in **(2015) 2 SCC 291**, in the case of **AJAY KUMAR CHOUDHARY Vs., UNION OF INDIA THROUGH ITS SECRET ANR.**, within a period of six weeks from the date of receipt of a copy of this order on merits and in accordance with law

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

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2021

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 Revenue Divisional Officer,
O/o. Revenue Division Office,
Tenkasi, Tenkasi District.

+1cc to the SPL GP SR.No.26225.

W.P. (MD)No.14719 of 2020
16.12.2020

SS(CO)

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