

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.1248 of 2021

Mr.N.Velu

... Petitioner

-vs-

1. The District Collector,
Villupuram District,
Villupuram 605 602.

2. The Block Development Officer,
Tirunavalur Panchayat Union (V.P.),
Villupuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st respondent to re-instate the petitioner in service based on the representation dated 16.05.2019.

For Petitioner : Mr.P.Manikannan.

For Respondents: Ms.M.Lalitha, Government
Advocate (for R1)
Mr.R.S,Selvam,
Government Advocate (for R2)

O R D E R

The prayer sought for in this writ petition is for a direction to the 1st respondent to re-instate the petitioner in service based on the representation dated 16.05.2019.

2. By consent, this writ petition is taken up for hearing at the admission stage. Ms.M.Lalitha, learned Government Advocate takes notice for R1 and Mr.R.S,Selvam, learned Government Advocate takes notice for R2.

3. The case of the petitioner is that, the petitioner who was working as an Overseas, was suspended from his service in view of the alleged complaint given by one Kumar. Based on the complaint, FIR was filed and subsequently he was enlarged on bail on 12.11.2018. Hence, the petitioner has been placed under suspension by an order dated 15.10.2018 passed by the first respondent and the same is questioned by the petitioner. The petitioner received the subsistence allowances from the month of

August 2018. It is also represented by the learned counsel for the petitioner that the subsistence allowance had not been properly given to the petitioner. Hence, the petitioner has made a representation before the 1st respondent on 16.05.2019, requesting the 1st respondent to reinstate him into service. However, there is no response on the side of the respondents, the petitioner has preferred this writ petition.

4. It is needless to mention and open to the respondents to issue charge memo and proceed with the enquiry on day-to-day basis without adjourning the matter beyond seven working days at any point of time to bring the issue to the logical conclusion after payment of arrears of subsistence allowance, if any. In case, the petitioner is under suspension beyond the required period of suspension, it is open to the respondents to consider the request and review the same in the light of the judgements of the Honourable Supreme Court in State of TN vs. Promod Kumar IPS and another, reported in AIR 2018 SC 4060 and Ajay Kumar Choudhary vs. Union of India through its Secretary and another, reported in 2015 (3) CTC 119.

5. With the above observations, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

vum

To

1. The District Collector,
Villupuram District,
Villupuram 605 602.

2. The Block Development Officer,
Tirunavalur Panchayat Union (V.P.),
Villupuram District.

+1cc to Mr.R.S.Selvam, Advocate, S.R.No. 3539
+1cc to the Government Pleader, S.R.No. 4023

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SV(CO)
GN(26/02/2021)