

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.01.2021

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.17296 of 2020
and
W.M.P.No.21395 of 2020
(Heard through VC)

G. Chinnasamy

.. Petitioner

-vs-

1.The Designated Officer,
Food Safety Department,
Dharmapuri.

2.The Inspector of Police,
Adhiyamankottai P.S.,
Dharmapuri District.

.. Respondents

Prayer: Petition filed under Article 226 of Constitution of India to issue a Writ of Mandamus directing the first respondent to review the order of suspension passed in R.No.247/A1/2020 dated 16.10.2020 on the file of the 1st respondent based upon the representation of the petitioner dated 09.11.2020.

For Petitioner : Mr.S.Doraisamy

For Respondents: Mr.J.Pothiraj
Special Government Pleader

सत्यमेव जयते
O R D E R

The prayer sought for in this writ petition is for a direction to the first respondent to review the order of suspension passed in R.No.247/A1/2020 dated 16.10.2020 on the file of the first respondent based upon the representation of the petitioner dated 09.11.2020.

2. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.

3. The petitioner has been placed under suspension by order dated 16.10.2020 passed by the first respondent and the same is

questioned by the petitioner. There is subsistence of employer employee relationship and that the petitioner would be entitled for subsistence allowance as could be seen from the order dated 16.10.2020, which is impugned in the writ petition. 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. 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 judgments 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.

4. With the above observations, the writ petition is disposed of. Consequently, the connected miscellaneous petition is closed. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

rsi
To

1.The Designated Officer,
Food Safety Department,
Dharmapuri.

2.The Inspector of Police,
Adhiyamankottai P.S.,
Dharmapuri District.

+1 CC to Mr. Doraisamy, Advocate sr 1298.

+1 CC to The Government Pleader sr 1479.

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MG (CO)
SP (04/02/2021)