



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.6986 of 2021

and W.M.P. (MD) .Nos.5366 & 5367 of 2021

M.Balasundaram

...Petitioner

Vs.

1.The District Collector,
Karur District,
Karur.

2.The Managing Director,
Tamil Nadu Cable TV Corporation,
Chennai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for all the records pertains to the impugned order of the 1st respondent vide proceedings in Rc.A2/10450/2019, dated 08.07.2019 and consequential rejection order of 1st respondent for revocation of petitioner's suspension vide proceedings in Na.Ka.No:A2/10450/2019, dated 11.02.2021 and quash the both orders as illegal, improper and unconstitutional, consequently direct the 1st respondent to forthwith reinstate the petitioner as Special Tahsildar and post him at any of non sensitive post within the time stipulated by this Court.

For Petitioner	:	Mr.S.Balamurugan
For Respondents	:	Mr.A.Muthu Karuppan for R1 Additional Government Pleader

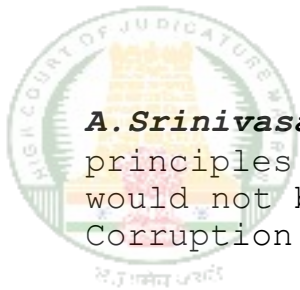
O R D E R

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

2.The petitioner, while serving as Special Tahsildar, Arasu Cable TV Corporation, Taluk Office, Karur District in Karur, was placed under suspension by the first respondent herein, through an order dated 08.07.2019, which is impugned in the present writ petition. The petitioner herein is aggrieved against the prolonged suspension.

3.By placing reliance on the decision of the Hon'ble Supreme Court in the case of **Ajay Kumar Choudhary v. Union of India, reported in (2015) 7 SCC 291**, the learned counsel for the petitioner would submit that such a prolonged suspension is impermissible.

4.The Hon'ble Division Bench of this Court in the case of **Tamil Nadu Generation & Distribution Corporation Limited and Ors Vs**
<https://hcservices.ecourts.gov.in/hcservices/>



A.Srinivasan reported in **2020 LabIC 3814**, had held that the principles laid down in the **Ajay Kumar Choudhary's case (supra)** would not be applicable to the delinquencies involving Prevention of Corruption Act.

5.At this juncture, the learned counsel for the petitioner would submit that though the petitioner has sought for quashing the impugned order, he would be satisfied, if the respondents are directed to reconsider his request to recall the suspension order.

6.As such, the ground raised by the petitioner for revoking of suspension on the ground of prolonged suspension cannot be sustained. Nevertheless, if the petitioner is granted liberty to approach the first respondent with a request to revoke his suspension on sympathetic grounds, the ends of justice could be secured.

7.In the light of the above, the petitioner is granted liberty to give a fresh representation to the first respondent herein seeking for revocation of suspension and on receipt of such representation, the first respondent herein shall consider the same on its own merits and take further course of action in accordance with law, preferably, within a period of eight weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its view with regard to the merits of the claim made by the petitioner.

8.Accordingly, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CSII)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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,
Karur District,
Karur.

<https://hcservices.ecourts.gov.in/hcservices/>



+1 CC to M/s.S.BALAMURUGAN, Advocate (SR-14140[F] dated 29/03/2021)

+1 CC to M/s.SPL GP (SR-14359[F] dated 30/03/2021)

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