



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.09.2021

CORAM

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P. (MD) No.11263 of 2021

WEB COPY

M. Kesavan

... Petitioner

Vs.

1. The District Collector,
Collectorate,
Ramanathapuram District.

2. The Additional District Collector,
Department of Rural Development Agency (DRDA)
Collectorate,
Ramanathapuram District.

3. The Block Development Officer, (BDO),
Panchayat Union Office,
Paramakudi,
Ramanathapuram District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, for the issuance of **Writ of Mandamus**, directing the first respondent to review and revoke the suspension of the petitioner and reinstate the petitioner in the post of Assistant in light of the order passed by the Hon'ble Supreme Court in *Ajay Kumar Choudary vs Union of India* reported in 2015 (3) CTC 119 within the time stipulated by this Court.

For Petitioner : Mr. L. Pinaygash

For Respondents : Mr. A.K.Manikkam

Standing Counsel for State

ORDER

The petitioner was suspended from service on 30.09.2020 for his involvement in a criminal case in Crime No.54 of 2020. The petitioner is placed under prolonged suspension from 30.09.2020. Therefore, he made a representation on 01.07.2021 to the respondents to revoke his suspension order. However, there is no response from the respondents so far. Hence the petitioner has filed the present Writ Petition.

2. According to the petitioner, the judgment of the Hon'ble Supreme Court in "**Ajay Kumar Choudary vs Union of India reported in 2015 (3) CTC 119**" squarely applies to the facts of this case to direct the authorities concerned to consider the petitioner's



representation for revoking the suspension order.

3. The learned Government Pleader, appearing for the respondents would submit that the judgment of the Hon'ble Supreme Court in "**Ajay Kumar Choudary vs Union of India reported in 2015 (3) CTC 119**" has been elaborately discussed in yet another judgement of the Division Bench of this Court in W.A.No.599 of 2020 dated 02.09.2020, (**Tamil Nadu Generation & Distribution Corporation Limited (TANGEDCO) and others vs. A. Srinivasan**) and the said decision of the Division Bench squarely applies to this case. Therefore, the petitioner is not entitled for the revocation of the suspension order.

4. However, considering the submissions that the petitioner has made a representation to the authorities concerned seeking revocation of the aforesaid suspension order, this Court without expressing any opinion on merits or demerits of the case, directs the first respondent to consider the petitioner's representation dated 01.07.2021 on its own merits and in accordance with law and pass orders as expeditiously as possible within a period of 12 weeks from the date of receipt of a copy of the order.

5. With the above direction, the Writ Petition is disposed of. It is open to the petitioner to submit additional particulars to the first respondent along with the order copy addressed to the first respondent and also to place before the first respondent the decision cited above, and seek for appropriate relief. No costs.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

mnr

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

1. The District Collector,
Collectorate,
Ramanathapuram District.

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



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NSN (CO)
SB(30.09.2021) 3P 4C