



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.7462 of 2019

T.Vargees

...Petitioner

Vs.

The District Collector,
Tirunelveli District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent to consider and dispose of the petitioner's representation, dated, 21.01.2019 with regard to the revocation of the petitioner's suspension order that has been passed by the respondent vide his proceedings in R.C.A6/51890/20-18, dated, 07.12.2018 in the light of the judgment rendered by the Hon'ble Supreme Court of India in the case of Ajay Kumar Choudhary Vs. Union of India reported in 2015 (7) SCC 291, which has been subsequently followed in the case of State of Tamil Nadu represented by Secretary to Government (Home) Vs. Promod Kumar IPS and another in Civil Appeal No.8427-8428 of 2018, dated, 21.08.2018 as expeditiously as possible within the time stipulation as prescribed by this Court.

For Petitioner : Mr.R.Anand
For Respondent : Mr.P.Mahendran
Additional Government Pleader

O R D E R

Heard Mr.R.Anand, learned counsel for the petitioner and Mr.P.Mahendran, learned Additional Government Pleader for the respondent.

2. The petitioner, while serving as Tahsildar in Nanguneri Taluk, Tirunelveli District, was placed under suspension by the respondent herein, through an order dated 07.12.2018, 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 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. 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 respondent with a request to revoke his suspension on sympathetic grounds, the ends of justice could be secured.

6. In the light of the above, the petitioner is granted liberty to give a representation to the respondent herein seeking for revocation of suspension and on receipt of such representation, the 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 two (2) 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.

7. Accordingly, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg

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,
Tirunelveli District.

+1CC TO M/S.SPECIAL GOVERNMENT PLEADER, SR NO.12758

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