



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.08.2021

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THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P(MD)No.15306 of 2021

K.Muniappan

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Karur,
Karur District.

2.The Tahsildhar,
Manmangalam Taluk,
Karur District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the second respondent to revoke the suspension order passed on 06.12.2016 based on the representation dated 21.06.2021 preferred by the petitioner in the line of suspension order revoked in favour of co-delinquent officer by the first respondent in his order dated 14.06.2021.

For Petitioner : Mr.V.P.Rajan

For Respondents : Mr.A.K.Manickam

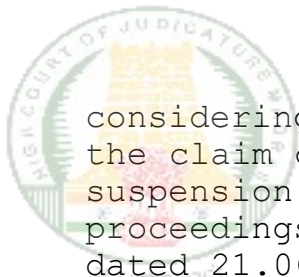
ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus, directing the second respondent to revoke the suspension order passed on 06.12.2016, in the line of suspension order revoked in favour of co-delinquent officer by the first respondent vide his order dated 14.06.2021, based on the petitioner's representation dated 21.06.2021.

2. Heard the learned counsel appearing for the petitioner and the learned Counsel appearing for the respondents.

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

4. According to the petitioner, he was placed under suspension on the ground of pending criminal case and the same was challenged before this Court. This Court directed the second respondent to consider the representation of the petitioner for revocation of suspension order in the light of the decision of the Hon'ble Supreme Court rendered in 2015(7)SCC page 89(**Ajay Kumar Choudhary Vs.Union of India**) wherein, it was held that prolonged suspension is not valid in law. But the second respondent, without



considering the dictum laid down in the aforesaid judgment, rejected the claim of the petitioner. Further, the first respondent revoked suspension in favour of the petitioner's co-delinquent officer vide proceedings dated 14.06.2021. The petitioner made a representation dated 21.06.2021 to the second respondent requesting for revocation of suspension in the line of the order passed by the first respondent in favour of co-delinquent officer. However, no action was forth coming by the second respondent. Therefore, the present writ petition has been filed before this Court.

5. On considering the submissions made by the learned counsel on either side, and also considering the limited scope of prayer as sought by the petitioner, without expressing any opinion on merits, this Court directs the second respondent to consider the representation of the petitioner dated 21.06.2021 and pass appropriate orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above direction, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (C.O)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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 Revenue Divisional Officer,
Karur,
Karur District.

2. The Tahsildhar,
Manmangalam Taluk,
Karur District.

+1 CC to M/s.SPL GP (SR-27625[F] dated 31/08/2021)

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