



WEB COPY

W.P.(MD)No.18491 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD)No.18491 of 2018

and W.M.P. (MD) No.16395 of 2018

(Through Video Conference)

M.Joana

:Petitioner

-Vs-

1. The Director,
Rural Development and Panchayat Raj,
Panagal Building,
Saidapet, Chennai 625 015

2. The District Collector,
Collectorate,
Pudukkottai District,
Pudukkottai.

:Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the records relating to the impugned order in Roc.No.6992/2017/P6(Dev) dated 23.10.2017 by the 2nd respondent and to quash the same as illegal.

For Petitioner : Mr.R.Balakrishnan

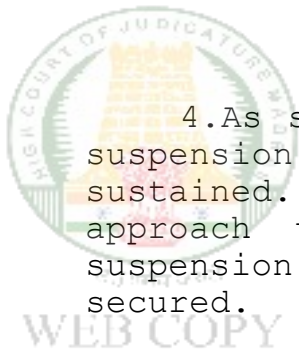
For Respondents : Mr.M,Muniyasamy,
Additional Government Pleader

ORDER

The petitioner, while serving as Junior Engineer in Viralimalai Panchayat Union was placed under suspension by the second respondent herein, through an order dated 23.10.2017, which is impugned in the present writ petition. The petitioner herein is aggrieved against the prolonged suspension.

2.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.

3.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.



4.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 second respondent with a request to revoke her suspension on sympathetic grounds, the ends of justice could be secured.

5.In the light of the above, the petitioner is granted liberty to give a representation to the second respondent herein seeking for revocation of suspension and on receipt of such representation, the second 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 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. Accordingly, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

ASSISTANT REGISTRAR(CS-II)

/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:

1. The Director, Rural Development and Panchayat Raj,
Panagal Building, Saidapet, Chennai 625 015
2. The District Collector,
Collectorate, Pudukkottai District, Pudukkottai.

+1 CC to M/s.GP (SR-4269[F] dated 10/02/2021)

sts (PA) NSM (CO)
RP/12.05.2021/2P/4C.

Order made in W.P. (MD)No.18491 of 2018

Dated:08.02.2021