



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.[MD]No.21022 of 2018

and WMP(MD) Nos.18830&18831 of 2018

WEB COPY

S.Kanagaraj

... Petitioner

Vs.

The Revenue Divisional Officer and
Sub Divisional Magistrate (I/C),
Periyakulam,
Theni District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records of the impugned suspension order passed by the respondent in his proceedings dated 30.01.2013 vide order in Roc.No.446/2013/A5 and quash the same in so far as petitioner's concerned as illegal and consequently direct to reinstate me in the post of Village Assistant or any other suitable post.

For Petitioner	: Mr.R.Maheswaran for Mr.Subash Babu
For Respondent	: Mr.P.Mahendran Additional Government Pleader

O R D E R

Heard the learned Counsel for the petitioner and the learned Additional Government Pleader for the respondent.

2.The petitioner, while serving as Village Assistant in Revenue Village, was placed under suspension by the first respondent herein, through an order dated 30.01.2013, which are 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)** are 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 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. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

MR

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 Revenue Divisional Officer and
Sub Divisional Magistrate (I/C),
Periyakulam,
Theni District.

+1 CC to M/s.M.SUBASH BABU, Advocate (SR-13034[F] dated 23/03/2021)

+1 CC to M/s.SPL GP (SR-12953[F] dated 23/03/2021)

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