



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2022

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.NO.3038 OF 2022

AND

WMP.NOS.3195 & 3197 OF 2022

B.Jayaprakash

... Petitioner

Vs

The Revenue Divisional Officer,
Tiruvallur Division,
Tiruvallur District.

... Respondent

PRAYER: This Writ Petition has been filed under Article 226 of the Constitution of India, praying to issue Writ of Certiorari, to call for the records relating to the order of the respondent made in proceedings made in Na.Ka.No.1579/2020/A1 dated 09.09.2020, to quash the same.

For Petitioner : Mr.L.Chandrakumar

For Respondent : Mr.V.Jeevagiridharan,
Additional Government Pleader

O R D E R

This Writ Petition has been filed to call for the records relating to the order of the respondent made in proceedings made in Na.Ka.No.1579/2020/A1 dated 09.09.2020 and to quash the same.

2.Mr.V.Jeevagiridharan, learned Additional Government Pleader, takes notice for the respondent and is armed with the instructions to proceed with the matter finally. By consent of both the learned counsel this writ petition is disposed finally even at the stage of admission.



3. Brief facts of the case:

The petitioner was appointed as Village Administrative Officer in the respondent's Department and joined in the service on 28.02.2016. Subsequently, his service was regularized and probation was approved. While working as such, under the guise of certain allegation a case has been registered against him was initiated in the Crime Branch pertaining to the malpractice that had taken place in the examination held in Rameswaram Centre. Hence, the petitioner was arrested for the offences under Sections 465, 468, 471 and 120B of IPC and thereafter, came out on bail. Though FIR was registered, investigation is still pending. Further, as per the proceedings in Na.Ka.1579/2020/A1, dated 09.09.2020, the petitioner has been placed under suspension. However, the order would state that he would be entitled for subsistence allowance. It is the case of the petitioner that despite production of non-employment certificate, he has not been paid with subsistence allowance from the date of suspension to till date. Hence, the petitioner has made a representation dated 12.10.2021, but has not been considered in the light of the Government orders relating to review of suspension. Hence, the Writ Petition.

4. The learned counsel for the petitioner would submit that there are around 42 officials involved in the alleged occurrence and mostly they are TNPSC officials, in which the petitioner and others have been made as scapegoat for no fault of them and that there being no initiation of any department proceedings against the petitioner as on date and the impugned order of suspension, is more than a year which amounts to prolonged suspension. Further, he submitted that without proper investigation and enquiry the impugned order of suspension dated 09.09.2020 was issued and further no opportunity what so ever as to the alleged occurrence has been called upon to be explained before issuance of the said order, therefore, the same is liable to be quashed. Further, he would rely upon the decision of the Hon'ble Supreme Court in Ajay Kumar Choudhary Vs. Union of India, represeted in 2015 (7) SCC 591 and seeks to direct the respondent to consider the petitioner's representation.

5. The learned Additional Government Pleader appearing for the respondents submitted that the petitioner's representation dated 12.10.2021, will be considered by the District Revenue Officer and the orders will be passed on merits in accordance with law.

6. Heard the learned counsels on either side and perused the materials placed on record.



7. In view of the above facts and circumstances of the case and that the representation dated 12.10.2021 made by the petitioner before the respondent is still pending and taking into consideration the submissions of the learned counsel for the petitioner, at this stage, it is suffice for this Court to direct the respondent/District Revenue Officer to consider the petitioner's representation dated 12.10.2021 and pass appropriate orders as early as possible preferably within a period of twelve weeks from the date of receipt of a copy of this order.

8. With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

Dua

To

The Revenue Divisional Officer,
Tiruvallur Division,
Tiruvallur District.

+1cc to M/s.L.Chandrakumar, Advocate, S.R.No.10560

+1cc to the Government Pleader, S.R.No.11529

W.P.No.3038 of 2022 &
WMP.Nos.3195 & 3197 of 2022

PMK(CO)
RLP(09/03/2022)