



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.04.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.5297 of 2020

S.Gomathi

... Petitioner

vs.

1.The District Collector,
Office of District Collector of Dharmapuri,
Dharmapuri District.

2.Revenue Divisional Officer,
Dharmapuri,
Dharmapuri District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the 2nd respondent to review the order of suspension passed against the petitioner in proceedings ROC No.3623/2016/A1 dated 09.07.2016 passed by the 2nd respondent, based on the representation of the petitioner dated 20.12.2019.

For Petitioner : Mr.S.Sai Shankar

For Respondents : Mr.Haja Nazirudeen
Additional Advocate General
Assisted by Mrs.S.Anitha
Special Government Pleader

O R D E R

This writ petition has been filed seeking to issue a Writ of Mandamus, directing the 2nd respondent to review the order of suspension passed against the petitioner in proceedings ROC No.3623/2016/A1 dated 09.07.2016 passed by the 2nd respondent, based on the representation of the petitioner dated 20.12.2019.

2. According to the petitioner, the Vigilance and Anti-Corruption Department has trapped the petitioner on 08.07.2016 and he was placed under suspension on 09.07.2016 by the 2nd



respondent for the alleged offence under Rule 17 (e) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules. Based on which, he was arrested by the officials of the Vigilance and Anti-Corruption Department. The charge sheet has been lodged before the concerned jurisdictional Criminal Court in Special C.C.No.4 of 2017. The petitioner was placed under prolong suspension by the 2nd respondent. Therefore, the petitioner has made a representation dated 20.12.2019 to review the impugned suspension order. So far, no order has been passed. Hence, she filed the present writ petition before this Court.

3. The learned counsel appearing for the petitioner would submit that as per Government Order in G.O.(Ms).No.30, Personnel and Administrative Reforms (N) Department, dated 23.02.2012, the 2nd respondent has to review the suspension order and to take appropriate decision for continuation of suspension. So far, the 2nd respondent has not reviewed the impugned suspension order as per rules.

4. According to the learned Additional Advocate General appearing for the respondents would submit that the petitioner's representation dated 20.12.2019 will be considered in accordance with the rules and to pass appropriate orders.

5. In the light of the aforesaid submissions made by the parties, this Court is inclined to direct the 2nd respondent to review the petitioner's suspension order by considering her representation dated 20.12.2019 in accordance with the Government Order in G.O.(Ms).No.30, Personnel and Administrative Reforms (N) Department, dated 23.02.2012 and pass appropriate orders by taking note of decision rendered by the Hon'ble Full Bench of this Court in the case of P.Kannan vs. The Commissioner for Municipal Administration, Chennai (W.P.Nos.2165 of 2015 and 21628 of 2018 dated 15.03.2022), as early as possible, within a period of twelve weeks from the date of receipt of a copy of this order. The petitioner is directed to furnish the copy of the representation dated 20.12.2019 along with this order before the 2nd respondent.

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

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar



To

1.The District Collector,
Office of District Collector of Dharmapuri,
Dharmapuri District.

2.The Revenue Divisional Officer,
Dharmapuri,
Dharmapuri District.

+lcc to Mr.S.Sai Shankar, Advocate SR. No.26309

+lcc to Government Pleader SR. No.25951

W.P.No.5297 of 2020

GMR (CO)
PR (27/04/2022)