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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 18.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.6446 and 6451 of 2022

and

W.M.P.Nos.6542, 6544,6546, 6547 of 2022

N.Saravana Kumar ...Petitioner in W.P.6446 of 2022

S.Mohamed Shahul Hameed ...Petitioner in W.P.6451 of 2022

Vs.

The Commissioner of Municipal Administration,
No.75, Santhome High Road,
Raja Annamalaipuram,
Chennai - 600 028.

... Respondents in both writ petitions

Prayer in both writ petitions: Writ petition filed under Article 226 of the Constitution of India seeking to issue a writ of Certiorarified Mandamus, calling for the records relating to the impugned order of suspension issued by the Respondent in Roc.No.676/2021/V2 dated 20.10.2021 and quash the same and consequently to direct the respondent to post the petitioner in any non-sensitive post, within a reasonable period fixed by this Court.

In both writ petitions

For Petitioner : Mr.R.Singaravelan, Senior Counsel
for Mr.S.N.Ravichandran in both WPs

For Respondent : Mrs.P.Rajarajeswari
Government Advocate in both WPs

COMMON ORDER

By consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.

2. Both the writ petitions have been filed seeking to issue a Writ of Certiorarified Mandamus, quashing the impugned suspension order issued by the Respondent dated 20.10.2021 and consequently direct the respondent to post the petitioners in any non-sensitive post, within a reasonable period fixed by this Court.



3. The facts and circumstances and the issues involved in both the writ petitions are one and the same and hence, this court passes the common order.

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4. The case of the petitioner in brief:

The petitioner in W.P.No.6446 of 2022 was working as Junior Engineer and the petitioner in W.P.No.6451 of 2022 was working as Assistant Executive Engineer in the respondent-Municipal Administration Department. The respondent issued suspension orders to the petitioners dated on 20.10.2021, stating that a criminal case was registered against them in Crime No.7 of 2016 under Section 13(2) r/w 13(1)(d) of Prevention of Corruption Act, while they were working in Tenkasi Municipality. The petitioners filed Appeal Petition before the Director of Municipal Administration on 01.11.2021 and also made representations for revoking their suspension order and to reinstate them in service. But, no order has been passed by the respondent. Hence, the writ petitions.

5. Though the writ petitions have been filed to quash the impugned suspension orders passed against the petitioners and consequently directing the respondent to reinstate them in service in any non sensitive post, the learned counsel appearing for the petitioner submitted that the respondent may be directed to consider the representations of the petitioners and to pass appropriate orders.

6. The learned Government Advocate appearing for the respondent submitted that, the representations of the petitioners will be considered and appropriate orders will be passed on its own merits in accordance with law by the authorities concerned.

7. In view of the above submissions, without expressing any opinion on merits, this court is inclined to pass the following order.

i) The respondent is directed to consider the representations of the petitioners on its own merits and in accordance with law, as expeditiously as possible within a period of eight weeks from the date of receipt of a copy of this order.

ii) If the petitioners are intended to submit any additional particulars, the same shall be submitted before the respondent, within one week from the date of receipt of a copy of this order.

8. With the above directions, the writ petition stands



disposed of at the admission stage itself. No costs.
Consequently, connected miscellaneous petitions are closed.

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Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

ata/mst

To

The Commissioner,
Municipal Administration,
No.75, Santhome High Road,
Raja Annamalaipuram,
Chennai - 600 028.

+2cc to Mr.S.N.Ravichandran, Advocate, S.R.No.18496 & 18497

+2cc to Mr.T.Ranganathan, Advocate, S.R.No.18448

+1cc to the Government Pleader, S.R.No.18793

W.P.No.6446, 6451 of 2022

SSD(CO)
SB(05/04/2022)