



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.8250 of 2022

Arulmurugan

...Petitioner

Vs.

The Registrar, Annamalai University,
Annamalai Nagar, Chidambaram,
Cuddalore District, Tamil Nadu.

...Respondent

Prayer: Writ petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, directing the respondent herein to revoke the petitioner's suspension order dated 17.06.2021 considering the petitioner representation dated 22.02.2022.

For Petitioner : Mr.P.R.Thiruneelakandan

ORDER

This writ petition has been filed seeking to issue a Writ of Mandamus, directing the respondent to revoke the petitioner's suspension order dated 17.06.2021 considering the petitioner representation dated 22.02.2022.

2. The case of the petitioner in brief:

The petitioner was working as Office Assistant in District Project Office, ICDS and he was suspended from service on 17.06.2021, in view of the criminal case registered against him in Crime No.10 of 2020. The respondent conducted departmental proceedings and no subsistence allowance was paid to him. Thereafter, pursuant to the order of this Court in W.P.No.14182 of 2021, the respondent paying subsistence allowance since September 2021. The petitioner made representations on 22.02.2022 and 22.10.2021 requesting the respondent to revoke the suspension order. But, the said representations were not considered till date. Hence, he filed this writ petition before this Court.

3. At this juncture, it is pertinent to note that the Hon'ble Full Bench of this Court, has passed order in the case of P.Kannan Vs The Commissioner for Municipal Administration and Others (W.P.Nos.2165 of 2015 and 21628 of 2018 dated 15.03.2022), wherein, it is held as follows:



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(i) The judgment of the Apex Court in the case of Ajay Kumar Choudhary, supra, does not lay down absolute proposition of law that an order of suspension cannot be continued beyond the period of three months if the memorandum of charges/charge-sheet has not been served within three months, or if memorandum of charges/charge-sheet is served without reasoned order of extension.

(ii) The judgment in R.Balaji, supra, has no reference to the earlier judgments of co-equal strength and is thereby rendered per incuriam.

(iii) The issue of challenge to the order of suspension should be analyzed on the facts of each case, considering the gravity of the charges and the rules applicable.

(iv) Revocation of suspension with a direction to the employer to post the delinquent in a non-sensitive post cannot be endorsed or directed as a matter of course. It has to be based on the facts of each case and after noticing the reason for the delay in serving the memorandum of charges/charge-sheet.

4. Therefore, in the light of the above decision of the Hon'ble Full Bench of this Court, this Court directs the respondent to consider the petitioner's representations dated 22.02.2022 and 22.10.2021 and to pass orders on its own merits in accordance with law, as expeditiously as possible, within a period of twelve weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

ata/mst

To

The Registrar, Annamalai University,
Annamalai Nagar, Chidambaram,
Cuddalore District, Tamil Nadu.

W.P.No.8250 of 2022

MG (CO)

PR (21/04/2022)