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\IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2022

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THE HON'BLE MR JUSTICE D. KRISHNAKUMAR

W.P.No.12371 of 2021

Dr. P.Senthil Murugan

... Petitioner

Vs.

1.The Director of Medical Education
156, Poonamallee High Road
Kilpauk, Chennai-600 010

2. The Review Committee
Directorate of Medical Education
No.156, Poonamallee High Road
Kilpauk, Chennai-600 010.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st and 2nd respondents to review the order of suspension of the petitioner vide reference no.73468/SCI/1/2018 dated 17.10.2018 and revoke the suspension of the petitioner under clause (6) of sub-rule (e) of Rule 17 of the Tamil Nadu Civil Services (Discipline and Appeal) Rules on the file of the 1st respondent.

For Petitioner : Mr.V.Pakash, Senior Counsel
for Ms.K.Jayasudha

For Respondent : Mr.V.Veluchamy
Additional Government Pleader

ORDER

This writ petition has been filed to issue a Writ of Mandamus, directing the 1st and 2nd respondents to review the order of suspension of the petitioner vide reference no.73468/SCI/1/2018 dated 17.10.2018 and revoke the suspension of the petitioner under clause (6) of sub-rule (e) of Rule 17 of the



Tamil Nadu Civil Services (Discipline and Appeal) Rules on the file of the 1st respondent.

2. The case of the writ petitioner is that he was working as Assistant Civil Surgeon, Govt. Peripheral Hospital, Periyar Nagar, Chennai-82 and he was arrested by the CBI AC-III, New Delhi and a case has been registered against him for the offences under Sections 120B IPC and Sections, 7, 8, 12 & 13(1)(d) of Prevention of Corruption Act, 1988 as he has involved in Gutka case and he has been produced before the Court of Principal Special Judge, for CBI Cases, VIII Additional City Civil Court, Chennai. Thereafter, the writ petitioner was placed under suspension under clause (2) of sub-rule (e) of Rule 17 of the Tamil Nadu Civil Services (Discipline and Appeal). Therefore, the petitioner made a request to the Government to revoke his suspension and the said request has been placed before the Review Committee on the meeting held on 20.02.2020 at the respondent's office and the Committee had discussed this issue and rejected the said request of the petitioner. Challenging the aforesaid order, the present writ petition has been filed before this Court.

3. The learned Senior Counsel appearing for the petitioner submitted that the writ petitioner has been under the prolonged suspension for more than four years. He relied upon the decision rendered by the Hon'ble Supreme Court in the case of State of Tamil Nadu v. Promod Kumar and others and following the aforesaid case and the case of Ajay Kumar Choudhary v. Union of India, this Court had passed an order in W.P No.4493 of 2016 on 14.11.2019, directing the authorities to reinstate the petitioner in a non-sensitive post completely unconnected to the work he has performed. Subsequently, the Division Bench of this Court in the case of Murugan v. The Deputy Inspector General of Police (Supra), had passed appropriate orders. In view of the above, the learned Senior Counsel would submit that the petitioner was placed under suspension in the year 2018 and now, a criminal case has been registered and he was suspended for more than four years without being any suspension allowance by merely decision taken by the respondent Government. The Review Committee has not considered the decision of the Hon'ble Supreme Court and not taken proper decision. Hence, he seeks a direction to the respondent Government to consider the representation of the petitioner afresh, as per the aforesaid decision of the Hon'ble Supreme Court.

4. The learned Additional Government Pleader appearing for the respondents would submit that on the request



made by the petitioner before the respondent Government, the respondent Government will be taken note of the said facts of the case and take proper decision and pass appropriate orders in accordance with law.

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5. In view of the aforesaid submission, the learned Senior Counsel appearing for the petitioner made a request before this Court to make a fresh representation before the respondent Government within a period of one week from the date of receipt of a copy of this order.

6. Considering the facts and circumstances of the case, this Court is inclined to pass the following order:

i) The writ petitioner shall submit his representation furnishing all the details to the 1st respondent, within a period of one week from the date of receipt of a copy of this order.

ii) On receipt of such representation being received by the 1st respondent, the 1st respondent has to consider the petitioner's request for revocation of the suspension order based on the decision rendered by the Hon'ble Supreme Court as well as this Court and pass appropriate orders on its own merits and in accordance with law, as early as possible, more preferably within a period of six weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar(CS-VII)

// True Copy //

Sub Assistant Registrar

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To

1.The Director of Medical Education
156, Poonamallee High Road
Kilpauk, Chennai-600 010



2. The Review Committee
Directorate of Medical Education
No.156, Poonamallee High Road
Kilpauk, Chennai-600 010.

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+3cc to M/s.K.Jayasudha, Advocate SR.No.10882
+1cc to the Government Pleader, SR.No.11083

W.P.No.12371 of 2021

KG(CO)
CB(08/03/2022)