



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.10597 OF 2020

AND

W.M.P.NO.12876 OF 2020

M.Balasubramanian

... Petitioner

.Vs.

1. The Additional Chief Secretary to Government,
Home [Police XVII] Department,
Secretariat,
Chennai - 9.

2. The Director General of Police
[Railways]/Director [FAC],
Fire and Rescue Services,
Chennai - 8.

... Respondents

PRAYER:-

Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the first respondent to dispose of the representation of the petitioner dated 20.04.2020 and to review the order of suspension dated 20.11.2019.

For Petitioner : Mr.S.Vijayakumar

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 1st respondent to dispose the representation of the petitioner dated 20.04.2020 and to review the order of suspension dated 20.11.2019.



2. According to the petitioner, the petitioner was placed under suspension on 20.11.2019 by the 1st respondent for alleging illegal demand of Rs.40,000/- to issue 'No Objection Certificate'. According to the him, there is no charge sheet has been filed before the concerned jurisdictional Criminal Court. Therefore, he made a representation dated 21.01.2020 to the 1st respondent to review the said impugned suspension order. Again, he made a representation dated 20.04.2020 to the 1st respondent for revocation of the said suspension order. But so far, no orders has been passed.

3. According to the learned counsel appearing for the petitioner, the 1st respondent has to review the suspension order by considering his representations dated 21.01.2020 and 20.04.2020. Therefore, he prays that an appropriate direction may be issued to the 1st respondent to review the suspension order of the petitioner, within the time specified by this Court.

4. The learned Additional Advocate General appearing for the respondents would submit that a criminal case in Crime No.22/2019/AC/CB has been registered as against the petitioner by the Vigilance and Anti-Corruption Authorities and the same is pending before the concerned jurisdictional Criminal Court. He would further submit that the petitioner's representations would be considered in accordance with law and by taking note of the gravity of offence as involved by the petitioner.

5. In view of the above submissions made by the parties, this Court is inclined to direct the 1st respondent to consider the petitioner's representations dated 21.01.2020 and 20.04.2020 and to pass appropriate orders in accordance with law, by taking note of the 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 expeditiously as possible, within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above direction, the writ petition stands disposed of. Consequently, the connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

dm



To

1. The Additional Chief Secretary to Government,
Home [Police XVII] Department,
Secretariat,
Chennai - 9.

2. The Director General of Police
[Railways]/Director [FAC],
Fire and Rescue Services,
Chennai - 8.

+1cc to Mr.S.Vijayakumar, Advocate, S.R.No.25609

+1cc to the Government Pleader, S.R.No.25953

W.P.NO.10597 OF 2020

GSM(CO)
PBS/26/05/2022