



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2022

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. No.18744 of 2021

G. Sherin Joy

... Petitioner

Vs.

1. The Secretary to the Government of Tamil Nadu,
Social Welfare and NMP Department,
Secretariat,
Chennai - 9.
2. The Commissioner of Social Welfare Department,
Government of Tamil Nadu,
Secretariat, Chennai - 600 009.
3. The District Social Welfare Officer,
Perambalur District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a writ of mandamus directing the respondents to revoke the suspension order against the petitioner vide ROC No.3244/Admn 5-1/2020 dated 30.01.2020 with effect from 29.01.2020 by the Commissioner of Social Welfare Department Chennai who is impleaded as second respondent and to reinstate the petitioner in the employment.

For Petitioner : Mr. C. Balasubramaniam

For Respondents : Mr. P. Balathandayutham,
Special Government Pleader,

ORDER

The writ petition has been filed for the issuance of a Writ of Mandamus, directing the respondents to revoke the suspension order passed against the petitioner vide ROC No.3244/Admn 5-1/2020 dated 30.01.2020 with effect from 29.01.2020 by the Commissioner of Social Welfare Department Chennai, who is impleaded as second respondent and to reinstate the petitioner in the employment.



WEB COPY

2. The writ petitioner has made a representation to the Commissioner of Social Welfare Department, Chennai, for revocation of the suspension order passed by the respondents on 30.01.2020. He has also relied upon the following judgments of the Supreme Court to consider for revocation of suspension:

(i) State of Tamil Nadu, Represented by Secretary to Government (hone) vs. Promod Kumar I.P.S. and Another - Civil Appeal No. 8427-8728 of 2018

(ii) Ajay kumar Choudhary vs. Union of India [(2015) 7 SCC 291]

3. The Learned Government Pleader, appearing for the respondents submitted that such representation will be considered by the respondents, if any appropriate orders are passed by this Court.

4. In the counter affidavit, it has been stated that charges have been framed against the petitioner for receiving illegal gratification from the beneficiaries of Moovalur Ramamirtham Ammaiyar Memorial Marriage Assistance Scheme. However, the petitioner has been under suspension for more than two years and the said representation is still pending with the respondents. Therefore, this court, in the interests of justice, is inclined to pass the order as follows:

(i) The petitioner shall enclose a copy of the said representation dated 25.11.2020 already made by him, along with a copy of this order addressed to the second-respondent within a period of one week from today.

(ii) The petitioner's representation dated 25.11.2020, shall be considered by the second respondent on its own merits and in accordance with law by taking note of the submissions of the petitioner, within a period of 12 weeks thereafter.

(iii) The writ petition is disposed of with the above directions. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

mnr



To

1. The Secretary to the Government of Tamil Nadu,
Social Welfare and NMP Department,
Secretariat,
Chennai - 9.
2. The Commissioner of Social Welfare Department,
Government of Tamil Nadu,
Secretariat, Chennai - 600 009.
3. The District Social Welfare Officer,
Perambalur District.

+1cc to M/s.C.Balasubramaniam, Advocate, S.R.No.9431

+1cc to the Government Pleader, S.R.No.10285

W.P. No.18744 of 2021

RR(CO)
SU(22/02/2022)