

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.16495 of 2020

and

W.M.P.Nos.20471 of 2020 & 1579 of 2021

B.Chandrasekar

.. Petitioner

Vs.

1. The District Collector,
Chennai District.

2. The Director,
Department of Social Welfare &
Nutritious Meal Programme,
Chepauk, Chennai - 600 005.

3. The District SC and ST Welfare Officer,
Chennai - 1.

.. Respondents

Prayer: Writ Petition has been filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, directing the respondents to consider the representation of the petitioner dated 31.01.2018, on the file of the 3rd respondent and direct the respondents to remove the deemed suspension as prolonged and further direct the respondents to reinstate the petitioner with all consequential monetary and service benefits in view of the Judgment in Ajaykumar Choudhary Vs. Union of India reported in (2015) 7 SCC 291 and judgment of this Court in W.P.No.23238 of 2020, dated 06.03.2020.

For Petitioner : Mr.M.Muruganantham

For Respondent : Mr.T.Chezhiyan
A.G.P.

O R D E R

The writ petition has been filed seeking issuance of Writ of Mandamus, to direct the respondents herein to revoke the petitioner's suspension order dated 21.12.2015 by considering the petitioner's representation dated 31.01.2018.

2. According to the petitioner, he was appointed as a Cook under the third respondent on 01.10.2011 and while in service, on 01.11.2015, a FIR was slapped on the petitioner for offences under Section 3(1) of TNPPDL Act, r/w Section 506(ii) of IPC in F.I.R.No.760 of 2015. After filing of the FIR, the petitioner was arrested and remanded to Judicial Custody. In view of the criminal case pending against the petitioner he was placed under suspension from 21.12.2015.

3. The learned counsel appearing for the petitioner submitted that the petitioner has been falsely implicated in the criminal case and he has not committed any grave offence as alleged by the respondent. The learned Counsel for the petitioner would further submit that the petitioner has been placed under prolonged suspension by the respondent to demoralize the petitioner and therefore, he seeks for revocation of the order of suspension.

4. The respondents have filed counter. The learned Additional Government Pleader appearing for the respondent submitted that due to the pendency of the criminal case, the petitioner has been placed under suspension and he was paid 50% subsistence allowance till April, 2016 and steps taken to pay 75% of salary from 01.05.2016.

5. I have considered the aforesaid submission made by the learned counsel on either side and also perused the records carefully.

6. The petitioner has been placed under prolonged suspension due to the pendency of the criminal case. In view of the above, it requires for reconsideration of the revocation of the suspension order, as no further action has been taken by the department, for initiating disciplinary proceedings. Therefore, this Court is of the view that as the petitioner is placed under prolonged suspension, his suspension has to be revoked and accordingly revoked. The respondents are directed to place the petitioner in any non-sensitive post as per their choice, within a period of four weeks from the date of receipt of a copy of this order. The writ petition is disposed of with the above direction. Consequently, the connected miscellaneous petitions are closed. No costs.

Sd/-

Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Chennai District.
2. The Director,
Department of Social Welfare &
Nutritious Meal Programme,
Chepauk, Chennai - 600 005.
3. The District SC and ST Welfare Officer,
Chennai - 1.

+1cc to Mr.M,Muruganantham, Advocate, S.R.No.39276

+1cc to the Government Pleader, S.R.No.40116

W.P.No.16495 of 2020
and
W.M.P.Nos.20471 of 2020 & 1579 of 2021

SR(CO)
UMA(13/07/2022)