



WEB COPY



W.P.No.25269 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.09.2022

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THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.25269 of 2022

M.Sureshkumar

... Petitioner

Vs

The Assistant Commissioner (Excise)
& Sub Collector,
Tiruppur District,
Tiruppur.

... Respondent

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus calling for the records of the respondent's order bearing Ref.No.721/2019/A3 dated 07.03.2019 suspending the petitioner herein and quash the same and direct the respondent to reinstate the petitioner.

For Petitioner : Mr.N.K.Arulmuruganandham

For Respondent : Mr.S.Yashwanth
Additional Government Pleader

ORDER

The prayer sought for herein is for a writ of Certiorarified Mandamus calling for the records of the respondent bearing Ref.No.721/



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2019/A3 dated 07.03.2019 suspending the petitioner herein and quash the same and direct the respondent to reinstate the petitioner.

2. The petitioner had been working as Village Administrative Officer at Kattur Village, Palladam Taluk, Tiruppur District. While so due to a trap case conducted by Inspector of Police, Vigilance and Anti Corruption, Tiruppur on 07.03.2019, he was placed under suspension by order dated 07.03.2019 and till date he has been under suspension.

3. Though the prayer has been sought for to quash the said suspension order, this Court feels that periodically like these kind of cases where the suspension has been made pursuant to the Vigilance and Anti Corruption case and the same is pending, a review can be made by the Appointing Authority at the period of one year from the suspension, in the light of the guidelines issued by the Government in G.O.(Ms)No.81, Human Resources Management (N) Department dated 04.08.2022.

4. Heard Mr.S.Yashwanth, learned Additional Government Pleader appearing for the respondent who would also submit that the petitioner may be entitled to get a review as per guidelines issued by



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G.O.(Ms)No.81 and such kind of review would be made by the respondent against the impugned order dated 07.03.2019 and especially in cases where the suspension has been made pursuant to the Vigilance and Anti Corruption that too after following a trap case, these kind of cases have to be dealt with separately for which a separate guidelines also issued under G.O.(Ms)No.81, accordingly the plea of the petitioner would be considered only for review.

5. I have considered the said submissions made by the learned counsel appearing for the parties and have perused the materials placed before this Court.

6. Since the petitioner has been placed under suspension in the year 2019 and has been under continuous suspension, however such suspension was necessitated because of the Vigilance and Anti Corruption trap case where the petitioner was arrested and therefore under these circumstances, whether the petitioner's suspension can be revoked or not can be taken a decision only by the authority concerned of course by following the mandatory guidelines issued by the Government through G.O.(Ms)No.81 dated 04.08.2022.



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7. In that view of the matter, there shall be a direction to the respondent to consider the plea of the petitioner to review the suspension order dated 07.03.2019 in the light of the mandatory guidelines issued by G.O.(Ms)No.81 and pass orders thereon within a period of eight of weeks from the date of receipt of a copy of this order. If the reviewing authority is only by the Government, in cases like this, it is for the Government to take such a review as indicated above and pass orders within the time framed.

8. With this direction, this Writ Petition is disposed of. No costs.

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Index : Yes/No

Speaking Order : Yes/No

Sgl

To

The Assistant Commissioner (Excise)
& Sub Collector,
Tiruppur District, Tiruppur.



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R. SURESH KUMAR, J.

Sgl

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