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W.P.No.25938 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :14.11.2022

CORAM:

THE HON'BLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.No.25938 of 2022
and W.M.P.No.25021 of 2022

M.A.Ganeshkumar

... Petitioner

Vs.

1.The state of Tamil Nadu Rep. by its
Secretary to Government
Animal Husbandry, Dairying and Fisheries Department
Fort St. George, Chennai – 9

2.The Commissioner / Director
Animal Husbandry and Veterinary Services
Veterinary Hospital complex, Saidapet
Chennai – 35

3.The Regional Joint Director
Animal husbandry Department
Krishnagiri and District

4.The Deputy Director
District Live Stock Farm
Hosur, Krishnagiri-District

... Respondents



W.P.No.25938 2020

PRAYER: Writ Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Certiorarified Mandamus, to call for records on the file of the 2nd respondent in Roc.No.36827/L1/2017-3 dated 07.06.2018 and quash the same and direct the respondents to revoke the suspension from service.

For Petitioner : Mr.S.Gunasekaran

For Respondents : Mrs.V.Yamuna Devi
Special Govt. Pleader

ORDER

The Writ Petition is filed under Article 226 of Constitution of India, challenging the impugned suspension order dated 07.06.2018 issued to the petitioner.

2.The petitioner was suspended from the services on 07.06.2018 while he was working as a Superintendent in the Animal Husbandry and Veterinary Department. According to the petitioner, three persons were issued charge memo and the petitioner is one amongst them. The learned counsel for the petitioner contends that in respect of the officer against whom the charge sheet is issued, he has been reinstated into service despite pendency of disciplinary proceedings. Since, he being the junior



W.P.No.25938 2020

WEB COPY

person of all other persons, the petitioner claims that he is also entitled to be reinstated.

3.No counter has been filed till date by the respondents. Therefore, at this stage, the question of quashing the impugned suspension order dated 07.06.2018 will not arise. The only limited relief that can be granted to the petitioner is that, to submit a representation to the respondents, requesting them for revocation of the impugned suspension order dated 07.06.2018, stating the facts which have been stated in the affidavit filed in support of this Writ Petition. On receipt of the said representation, no prejudice would be caused to the respondents if a direction is issued to them to consider the petitioner's representation on merits and in accordance with law within a time frame to be fixed by this Court.

4.For the foregoing reasons, this Court directs the petitioner to submit a representation to the 2nd respondent, requesting the 2nd respondent to revoke the suspension order dated 07.06.2018 within a



W.P.No.25938 2020

period of one (1) week from the date of receipt of a copy of this order.

On receipt of the said representation, the 2nd respondent shall pass final orders on merits and in accordance with law, after giving due consideration to the contents of the petitioner's representation within a period of four (4) weeks thereafter.

5. With the aforesaid direction, this Writ Petition stands disposed of. Consequently, connected miscellaneous petition is closed. No costs.

14.11.2022

kas

Index: yes / no

Internet: yes / no

Speaking / Non speaking

To

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W.P.No.25938 2020

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ABDUL QUDDHOSE, J.



WEB COPY



W.P.No.25938 2020

kas

W.P.No.25938 of 2022

14.11.2022