



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.01.2022**

CORAM:

THE HONOURABLE MR.JUSTICE **B. PUGALENDHI**

W.P.[MD].No.160 of 2022

W.M.P.[MD].No.124 of 2022

P.Yovan Raja Singh

... Petitioner

Vs.

1.The Managing Director,
Milk Protection and Dairy Development Department,
Tamil Nadu Co-operative Milk Producers Federation,
Nandhanam,
Chennai-600 005.

2.The Director,
Department of Dairy Development,
M.M.Colony,
Madhavaram,
Chennai-600 005.

3.The General Manager,
The Tirunelveli District Co-operative Milk Producers Union,
Tirunelveli District-07.

4.The Joint Registrar/Enquiry Officer,
Dairy Development Department,
Madurai Aavin Premises,
Sathamangalam,
K.K.Nagar,
Madurai-20.

...Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the third respondent to revoke the suspension order of the petitioner and reinstate the petitioner in the post of Selection Grade Senior Factory Assistant in light of the order passed by the Hon'ble Supreme Court in the case of Ajay Kumar Choudhary vs. Union of India reported in 2015 (7) SCC 291 within the time stipulated by this Court.

For Petitioner : Mr.I.Pinaygash

For Respondents : Mr.P.T.Thiraviam
Government Advocate



O R D E R

This Writ Petition has been filed seeking for a direction to the respondents to revoke the suspension order of the petitioner and reinstate him as Selection Grade Senior Factory Assistant.

2. Mr.I.Pinaygash, learned counsel appearing for the petitioner submits that the petitioner has been placed under suspension for a period of one year and seven months, by order dated 29.04.2020, pursuant to a charge memo issued against him on 21.03.2020 and he has sought certain documents from the enquiry officer to defend his case which read as follows:

1. To give the Account details and ledger for the Milk and Dairy related products for the period from 08.08.2010 to 02.02.2020.

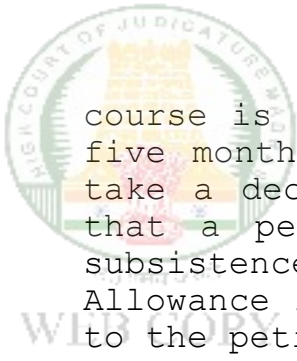
2. To provide balance sheet list of Milk Inventories from 08.08.2010 to 02.02.2020.

3. To furnish the application and acknowledgement of Dairy intern projects for sale to Hi Tech Parlour and Jawan Pawan handed over to me.

3. However, the documents have not been furnished to him and the departmental proceedings are pending, without any progress. As per the dictum laid down by the Hon'ble Supreme Court of India in the case of **Ajay Kumar Choudhary vs. Union of India reported in 2015 (7) SCC 291**, the suspension order need to be reviewed beyond three months. Therefore, the petitioner has sent a representation to the third respondent to revoke the order of suspension and reinstate him. However, the same has not been considered. Hence, the petitioner has filed the present writ petition.

4. Mr.P.T.Thiraviam, learned Government Advocate, who takes notice for the respondents, submits that the petitioner is not co-operating for the enquiry, therefore, the enquiry could not be completed. If the petitioner co-operates with the enquiry, the respondents will conclude the enquiry within a reasonable time.

5. This Court paid its anxious consideration to the rival submissions made on both sides. Admittedly, the charge memo was issued in the month of March 2020 and the petitioner has been placed under suspension from April 2020. The petitioner has sought certain documents from the respondent to defend his case, however, those documents have not been furnished to him and the departmental proceedings are also stalled for the past 1 ½ years. Hence, this Court directs the respondents to furnish the documents referred by this petitioner within a period of one month from the date of receipt of a copy of this order, proceed with the departmental proceedings and conclude the same within a period of five months from the date of receipt of a copy of this Order. If suppose, such



course is not adopted and the enquiry could not be completed within five months, the respondents shall review the suspension order and take a decision in accordance with law. It is needless to mention that a person, who is placed under suspension, is entitled for subsistence allowance, as per the Tamil Nadu Payment of Subsistence Allowance Act. The respondent shall pay the subsistence allowance to the petitioner.

6. Accordingly, the Writ Petition stands disposed of. No costs. Connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(AD-II)

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/ /2022

Sub Assistant Registrar(CS)

ssb

To

- 1.The Managing Director,
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Dairy Development Department,
Madurai Aavin Premises,
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+1 CC to M/s.SPL.GP (SR-771[F] dated 07/01/2022)

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NSN(CO)
TR(02.02.2022) 3P 6C