



WEB COPY



W.P.No. 6120 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2024

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.6120 of 2024

N. Sivakumar

....

Petitioner

Vs

1. The Revenue Divisional Officer,
Erode – 638 001.
Erode District.

2. The Thasildar,
Perundurai,
Erode District.

....

Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first respondent to review the suspension order in proceedings in Ref.No.3823/2022/A2, dated 21.07.2022, based on the representation dated 06.01.2024.

For Petitioner : Mr.P.Kannan Kumar

For Respondents : Mr.T.Vigneswaran
Government Advocate

ORDER

This Writ Petition has been filed for a direction directing the first respondent to review the order of suspension dated 21.07.2022.



W.P.No. 6120 of 2024

2. Heard the learned counsel appearing on either side and

perused the materials available on record.

3. The petitioner was working as Village Administrative Officer, Ekkattampalayam – B Village. While being so, he was placed under suspension by the first respondent by the proceedings dated 27.01.2022. Though the petitioner was paid 50% of the subsistence allowance for the period of six months, he was not paid the subsistence allowance of 75% of last pay drawn salary. Now, almost seventeen months over and even then no charge memo was served to the petitioner. He was suspended from service pursuant to the registration of the FIR in Crime No.89 of 2023. Subsequent to the order of suspension, in the FIR in Crime No.89 of 2023, the petitioner was granted anticipatory bail. Now, investigation is pending in Crime No.89 of 2023 and no charge sheet has been laid so far. Therefore, the petitioner submitted a representation to review the order of suspension. In view of the Government Order in G.O.(Ms) No.81, Human Resources Management (N) Department, dated 04.08.2022, the employee cannot be kept under prolonged suspension and the salary cannot be paid without extracting work.



W.P.No. 6120 of 2024

4. Considering the facts and circumstances of the case, the respondents are directed to consider the representation submitted by the petitioner to revisit the order of suspension and pass appropriate orders in the light of the G.O.(Ms) No.81, Human Resources Management (N) Department, dated 04.08.2022, within a period of six weeks from the date of receipt of a copy of this order.

5. With the above direction, this Writ Petition stands disposed of. No costs.

08.03.2024

Index:Yes/No
Speaking Order: Yes
Lpp

To

1. The Revenue Divisional Officer,
Erode – 638 001.
Erode District.

2. The Thasildar,
Perundurai,
Erode District.



WEB COPY



W.P.No. 6120 of 2024

G.K.ILANTHIRAIYAN, J.

Lpp

W.P.No.6120 of 2024

08.03.2024