



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2024

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.32220 of 2024

Ashok Kumar

... Petitioner

Vs.

1.The Commissioner,
Office of the Erode Municipal Corporation Office,
Erode District.

2.The Assistant Commissioner,
Zone-II,
Office of the Erode Municipal Corporation Office,
Erode District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st respondent to revoke the Suspension order passed by him vide proceedings in Na. Ka. No. 1796 / 2024 / H1 dated 09.08.2024 (signed on 06.08.2024) and to reinstate the petitioner into service with all attendant benefits, by considering his representation dated 08.08.2024, within the time limit to be stipulated by this Court.



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For Petitioner : Mr.M.Vijaya Raghavan

For Respondents : Mr.M.Raja Mathivanan
Standing Counsel

ORDER

This writ petition has been filed for issue of writ of mandamus directing the 1st respondent to revoke the suspension order passed on 09.08.2024 and to reinstate the petitioner in to service with all attendant benefits by considering the representation made by the petitioner on 08.08.2024.

2.Heard Mr.M.Vijaya Raghavan, learned counsel appearing on behalf of the petitioner and Mr.M.Raja Mathivanan, learned Standing Counsel appearing on behalf of the respondents.

3.The case of the petitioner is that he was working as a Sweeper in the respondent Corporation. An FIR came to be registered in Crime No.302 of 2024 by the Inspector of Police, Karungalpalayam Police Station, Erode District and the petitioner was also arrayed as an accused. The case pertains to a dispute which arose when some young boys were playing cricket. In the course of



investigation, the petitioner was arrested and remanded to judicial custody.

Pursuant to the same, the 1st respondent through proceedings dated 09.08.2024 placed the petitioner under suspension.

4. Curiously, the petitioner has made a representation on 08.08.2024 even before the order of suspension came into force. The petitioner has approached this Court and sought for a direction to act upon this representation in order to revoke the order of suspension.

5. In the considered view of this Court, it is beyond comprehension as to how a representation can be made even before an order of suspension came to be passed against the petitioner. Probably the petitioner is attempting to create a new doctrine in service jurisprudence which can be named as anticipatory representation. It is quite shocking that the petitioner gave a representation even before the suspension order is invoked against him and has sought for revocation of the order of suspension. This is something unheard of in the service portfolio which I have held so far.



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N. ANAND VENKATESH, J.

ssr

6.In view of the above, there is no scope for granting the relief as sought for in this writ petition. If the order of suspension prolongs, it will be left open to the petitioner to make a fresh representation to the respondents seeking for revocation of the order of suspension.

7.In the result, this writ petition stands dismissed. No Costs.

29.10.2024

Internet : Yes
Index : Yes
Speaking Order / Non Speaking Order
ssr

To

- 1.The Commissioner,
Office of the Erode Municipal Corporation Office, Erode District.
- 2.The Assistant Commissioner,
Zone-II, Office of the Erode Municipal Corporation Office,
Erode District.

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