



WP(MD) No.16667 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.07.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.16667 of 2024

S.S.Pandiyan

... Petitioner

Vs.

The District Revenue Officer,
Collectorate Office,
Dindigul.

...Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondent to revoke the suspension of the petitioner, dated 17.08.2023 based on the representation, dated 06.05.2024.

For Petitioner : Mr.S.Kumar

For Respondent : Mr.T.Amjad Khan

Government Advocate



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ORDER

The present writ petition has been filed seeking a Writ of Mandamus to direct the respondent to revoke the suspension of the petitioner, dated 17.08.2023 based on the representation, dated 06.05.2024.

2. Heard Mr.S.Kumar, learned counsel for the petitioner and Mr.T.Amjad Khan, learned Government Advocate appearing for the respondent.

3. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

4. The petitioner, who was working as a Revenue Inspector, was placed under suspension on 17.08.2023 on the allegation of illegal gratification and a criminal case has been registered in Crime No.3 of 2023 in that regard. However, after the suspension order was passed, no enquiry was conducted to revoke the suspension and no charge



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memo was issued to the petitioner. Hence, the petitioner sent a representation dated 06.05.2024 to the respondent requesting him to revoke the order of suspension citing prolong period. Since the representation has not been considered so far, the petitioner has filed this writ petition.

5. Mr.S.Kumar, learned counsel appearing for the petitioner attracted the attention of this Court to the Judgment rendered in ***Ajaykumar Chowdhary vs. Union of India and others*** reported in **2015 (3) CTC 119** and the same is extracted hereunder:

“8. Suspension, specially preceding the formulation of charges, is essentially transitory or temporary in nature, and must perforce be of short duration. If it is for an indeterminate period or if its renewal is not based on sound reasoning contemporaneously available on the record, this would render it punitive in nature. Departmental/disciplinary proceedings invariably commence with delay, are plagued with procrastination prior and post the drawing up of the memorandum of charges, and eventually culminate after even longer delay.



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9. *Protracted periods of suspension, repeated renewal thereof, have regrettably become the norm and not the exception that they ought to be. The suspended person suffering the ignominy of insinuations, the scorn of society and the derision of his department, has to endure this excruciation even before he is formally charged with some misdemeanour, indiscretion or offence. His torment is his knowledge that if and when charged, it will inexorably take an inordinate time for the inquisition or inquiry to come to its culmination, that is, to determine his innocence or iniquity. Much too often this has now become an accompaniment to retirement. Indubitably, the sophist will nimbly counter that our Constitution does not explicitly guarantee either the right to a speedy trial even to the incarcerated, or assume the presumption of innocence to the accused. But we must remember that both these factors are legal ground norms, are inextricable tenets of Common Law Jurisprudence, antedating even the Magna Carta of 1215, which assures that — “We will sell to no man, we will not deny or defer to any man either justice or right.” In similar vein the Sixth Amendment to the Constitution of the United States of America guarantees that in all criminal prosecutions*



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the accused shall enjoy the right to a speedy and public trial. "

6. The learned counsel for the petitioner submitted that so far no charge memo has been furnished to him and the mandates of the position of law settled by the Hon'ble Supreme Court in Ajaykumar Chowdry's case to be followed and the petitioner's suspension is liable to be set aside.

7. The learned Government Advocate for the respondent submitted that the petitioner has involved in a serious offence of getting bribe and hence, the case cannot be considered so leniently.

8. Whatever may be the reason, the respondent ought to have considered the representation of the petitioner and pass orders on merits. Since no order has been passed, the petitioner has approached this Court.



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9. In view of the same, this Writ Petition is **disposed of** and the respondents are directed to consider the representation of the petitioner, dated 06.05.2024 for revoking the suspension of the petitioner and pass appropriate orders on merits and in accordance with law within a period of two weeks from the date of receipt of a copy of this order. No costs.

24.07.2024

Index : Yes / No
Internet : Yes / No
NCC : Yes / No

RM

To

The District Revenue Officer,
Collectorate Office,
Dindigul.



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R.N.MANJULA, J.

RM

Order made in
W.P.(MD)No.16667 of 2024

Dated:
24.07.2024