



WP(MD) No.18463 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **02.08.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.18463 of 2024

S.Udaya Kumar

... Petitioner

Vs.

1.The Director of Municipal Administration,
O/o. the Director of Municipal Administration,
Chennai - 28.

2.The Commissioner of Municipality,
Keelakarai Municipality,
Ramanathapuram District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the Respondent No.2 to revoke the suspension of the petitioner by considering the representation sent by the petitioner, dated 15.04.2024 in the light of the Government Order in G.O.Ms.No. 81 Human Resources Management (N) Department dated 04.08.2022 within the time period stipulated by this Court.

For Petitioners : Mr.N.Kaleeswaran
For Respondents : Mr.J.Ashok - for R1
Additional Government Pleader
Mr.K.Saravanan - for R2
Standing Counsel



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ORDER

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Heard Mr.N.Kaleeswaran, learned counsel appearing for the petitioner, Mr.J.Ashok, learned Additional Government Pleader appearing for the first respondent and Mr.K.Saravanan, learned Standing Counsel appearing for the second respondent

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

3. The petitioner who has been kept under suspension from 09.01.2024 has filed this writ petition seeking direction to consider his representation to revoke the suspension.

4. The petitioner has been kept under suspension in view of a criminal case pending against him under the provisions of the Prevention of Corruption Act.

5. However, 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.



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

7. Whatever may be the reason, the respondents 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.

8. In view of the above reasons, this writ petition is disposed of and the respondents are directed to consider the representation of the petitioner, dated 15.04.2024 in the light of the Government Order in G.O.Ms.No. 81 Human Resources Management (N) Department dated 04.08.2022 and pass orders within a period of three weeks from the date of receipt of a copy of this order. No costs.

02.08.2024

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
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R.N.MANJULA, J.

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Order made in
W.P.(MD)No.18463 of 2024

02.08.2024