



W.P.(MD)No.17389 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

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K.Mahalingam

... Petitioner

-VS-

1.The Director of Town Panchayat,
Directorate of Town Panchayat,
Raja Annamalaipuram, Chennai - 600 028.

2.The District Collector,
Ramanathapuram District Collectorate,
Ramanathapuram District.

3.The Assistant Director of Town Panchayat,
Sivagangai Zone, Sivagangai Collectorate,
Sivagangai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to revoke the petitioner's suspension order in R.O.C.No.1771/2024-1/T2 and reinstate him in service in the light of the order of the Hon'ble Supreme Court in **Ajay Kumar Choudhary vs. Union of India** (2015 (7) SCC 291), by considering the petitioner's representation dated 22.11.2024.



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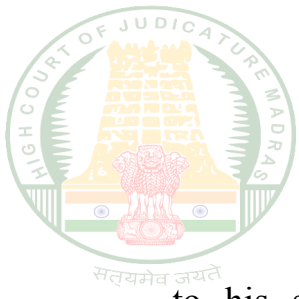
For Petitioner : Mr.P.Aju Tagore
For Respondents : Mr.K.Balasubramani
Special Government Pleader

ORDER

This Writ Petition has been filed seeking a direction to the respondents to revoke the petitioner's suspension order issued in R.O.C.No.1771/2024-1/T2 and reinstate him in service, in the light of the judgment of the Hon'ble Supreme Court in **Ajay Kumar Choudhary vs. Union of India** [(2015) 7 SCC 291], by considering the petitioner's representation dated 22.11.2024.

2. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.

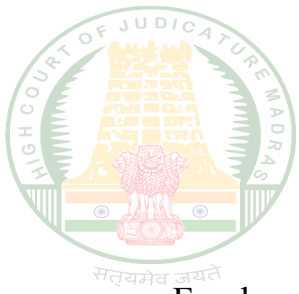
3. According to the petitioner, he was initially appointed as a 'Tax Collector' through the Tamil Nadu Public Service Commission on 27.02.1999 and subsequently, he was promoted to the post of 'Executive Officer' on 18.01.2018. While serving as Executive Officer in the Thondi 1st Grade Town Panchayat, the petitioner diligently discharged his duties, including the removal of encroachments and implementation of various Government welfare schemes. Due



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to his strict and honest discharge of official functions, certain individuals developed animosity towards him. On 04.07.2024, the petitioner was arrested by officials of the Vigilance and Anti-Corruption Department in connection with Crime No.15 of 2024, registered under Section 7 of the Prevention of Corruption Act. The allegation involved a demand of bribe made by one Ravichandran, an Assistant in Thondi Municipality, for issuing a tax receipt. The trap was laid and the said Ravichandran was caught red-handed with the bribe amount. The petitioner was neither present at the scene of the trap nor any amount was recovered from him. However, he was arrested later on the same day from his residence and was subsequently remanded to judicial custody. He was released on bail on 30.07.2024 by the Special Court for Prevention of Corruption Cases, Ramanathapuram.

4. Following his arrest, the second respondent placed the petitioner under suspension by proceedings in R.O.C.No.1771/2024-1/T2 dated 05.07.2024, invoking Clause (2)(e) of Rule 17 of the Tamil Nadu Civil Services (Discipline and Appeal) Rules. Since then, the petitioner is under suspension for more than 11 months, receiving only subsistence allowance under Rule 53(1) of the



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Fundamental Rules. In view of the prolonged suspension without any departmental proceedings being initiated, the petitioner submitted a representation on 20.09.2024 to the second respondent, seeking revocation of the suspension and reinstatement into service, particularly, in the light of the principles laid down by the Hon'ble Supreme Court in **Ajay Kumar Choudhary vs. Union of India** [(2015) 7 SCC 291]. However, no action has been taken till date. Hence, the petitioner is constrained to approach this Court seeking appropriate relief.

5. Heard both sides.

6. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon him to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution of India and direct them to consider the same within a stipulated time.



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7. In the light of the above observations, there shall be a direction to the second respondent herein to consider the petitioner's representation dated 20.09.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, within a period of two months from the date of receipt of a copy of this order. It is also made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the second respondent to consider the same on its own merits.

8. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs.

NCC : Yes / No

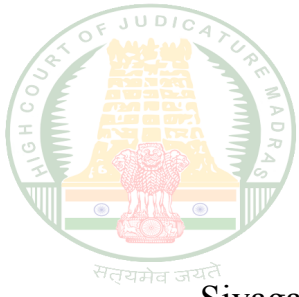
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Index : Yes / No

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VIVEK KUMAR SINGH, J.

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