



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Special Original Jurisdiction)

Wednesday, the Second day of February Two Thousand Twenty Two

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PRESENT

THE HON'BLE MR.JUSTICE V.PARTHIBAN

WP.NO.26302 OF 2021

AND WMP.NO.27765 OF 2021

A.DEVASAHAYAM S/O.ABEL, [PETITIONER IN BOTH THE PETITIONS]
VILLAGE ASSISTANT (UNDER SUSPENSION),
SHOLINGANALLUR DIVISION,
KANCHIPURAM DISTRICT.

Vs

THE TAHSILDAR [RESPONDENT IN BOTH THE PETITIONS]
SHOLINGANALLUR DIVISION,
CHENNAI DISTRICT.

Writ Petition under article 226 of the Constitution of India praying that in these circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the respondent herein in his proceedings Na.Ka.No.742/2012/A3 dated 19.01.2012 and the consequential order passed in Na.Ka.No.742/2012/A3 dated 26.05.2014 and quash the same and consequently direct the respondent to reinstate the petitioner into service, within a time-frame as deem fit and proper by this Hon'ble Court or issue any other appropriate Writ, Order, Direction in the nature of a Writ or another appropriate relief as this Hon'ble Court may deem fit in the circumstances of the case (in WP.NO.26302 OF 2021) and;

(ii) To stay the operation and all further proceedings of the impugned order passed by the respondent herein in his proceedings Na.Ka.No.742/2012/A3 dated 19.01.2012 and the consequential order passed in Na.Ka.No.742/2012/A3 dated 26.05.2014 (in WMP.NO.27765 OF 2021) pending disposal of the WP.NO.26302 OF 2021.

Order : This petition and miscellaneous petition coming on this day for hearing upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.G.BALA AND DAISY, Advocate for the petitioner in both the petitions and of M/S.M.MURALI, GOVERNMENT ADVOCATE on behalf of the Respondent in both the petitions, the court made the following order:-



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Considering the fact that a criminal case has been initiated as early as in 2012, the deemed suspension was imposed on the petitioner as early as on 19.01.2012 and subsequently reviewed the suspension in 2014 and thereafter, according to the learned counsel, no further review has been done.

2. According to the learned counsel for the petitioner that there has been no progress in the criminal case also resulting in the prolonged suspension of the petitioner for a period of almost 10 years.

3. In view of the settled legal position on the issue of prolonged suspension by the Hon'ble Supreme Court in the case of *Ajay Kumar Choudhary V. Union of India ((2015) 7 SCC 291)* and this Court has also passed number of judgments following the same, there shall be an order of interim stay of the suspension order. The respondent is directed to pass appropriate orders forthwith reinstating the petitioner.

4. List on 23.02.2022 for filing counter and disposal.

-sd/-

02/02/2022

/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

THE TAHSILDAR,
SHOLINGANALLUR DIVISION,
CHENNAI DISTRICT.

Order

in

WP.NO.26302 OF 2021

AND WMP.NO.27765 OF 2021

Date :02/02/2022

From 26.2.2001 the Registry is issuing certified
copies of the Interim Orders in this format
DPK(08/02/2022)