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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 03.07.2018

CORAM

THE HON'BLE Mr.JUSTICE R.SURESH KUMAR

W.P.(MD) No.10238 of 2018

and

W.M.P.(MD).No.9284 of 2018

S.Rajendran

... Petitioner

-vs-

The District Collector,
Office of the District Collector,
Pudukottai, Pudukottai District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the respondent in Na.Ka.V5/175/2018 dated 31.01.2018 quash the same and consequently direct the respondent herein to regularize the period of suspension with all monetary and service benefits.

For Petitioner

: Mr.K.Appadurai

For Respondent

: Mr.D.Muruganantham

Additional Government Pleader

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O R D E R

The prayer sought for in this Writ Petition is for a writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the respondent in Na.Ka.V5/175/2018 dated 31.01.2018 quash the same and consequently direct the respondent herein to regularize the period of suspension with all monetary and service benefits.

2.Heard Mr.K.Appadurai, learned counsel appearing for the petitioner and Mr.D.Muruganantham, learned Additional Government Pleader appearing for the respondent.

3.The petitioner was appointed as Noon Meal Organizer on 14.09.1984 at the Government Boys Higher Secondary School, Keeramangalam, Pudukottai. Since then, he had been continuously working without any blemish. While so, it is claimed by the petitioner that he is implicated in criminal case arising out of the family dispute and in this regard, it is the claim of the petitioner that the petitioner had not at all involved in that case, because at the time of the alleged occurrence, the petitioner had been working at the school and the petitioner can straight away produce the proof to that effect before the authorities concerned.

<https://hcservices.ecourts.gov.in/hcservices/>

4.However, in view of the said criminal case, since the



petitioner has been arrested on 30.01.2018 and he has been remanded to judicial custody, the respondent, through the impugned order, dated 31.01.2018, placed the petitioner under suspension. Challenging the said suspension order, the present Writ Petition has been filed.

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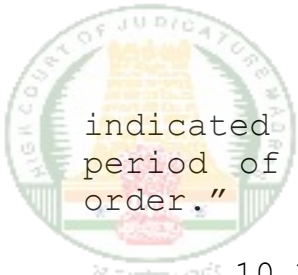
5.I have heard the submission made by both sides and perused the materials available on record.

6.The learned counsel appearing for the petitioner would submit that, though the suspension was on 31.01.2018, so far, the same has not been reviewed. Whether the prolonged suspension is further to be extended has to be decided by the respondent and such decision so far has not been made despite the passage of five months. Therefore, the learned counsel appearing for the petitioner would submit that, without making a review since the petitioner's suspension has been permitted, it has to be stayed since it amounts to violation of the law declared by the Hon'ble Apex Court in the case of *(Ajay Kumar Choudry Vs. Union of India)* in the decision reported in (2015) 7 SCC 291.

7.I have heard the learned Additional Government Pleader appearing for the respondent, who would submit that, the petitioner, since has been involved in a criminal case, for which, he has been arrested and remanded to judicial custody, the respondent has placed him under suspension. Depending upon the progress made in the criminal case, extension of suspension of the petitioner can be decided and therefore, in this regard, the respondent certainly would review the requirement of extension of suspension of the petitioner. However, on such review, a decision would be taken based on the available material.

8.Since the petitioner has been suspended on 31.01.2018 and thereafter, admittedly no review has been taken place so far and the law in this regard had also been settled by the Hon'ble Supreme Court in *Ajay Kumar Choudry's case* (cited supra), wherein, it has been mandated that at frequent interval, for instance, at every three months, the employer/Disciplinary Authority, who placed the employee under suspension, shall review such suspension and if requires, after recording reasons only extension of suspension beyond such period shall be done, otherwise, the suspension shall be revoked and the employee shall be reinstated. In the said context, since the petitioner's suspension has been pending from 31.01.2018 and it became due for review, after completion of three months, this Court is inclined to pass the following order:-

"That The respondent is directed to review the suspension of the petitioner as to whether the extension of suspension of the petitioner is required in the given circumstances and if so, only after recording reasons, the same can be extended or otherwise if the respondent feels that the suspension is not required, a decision to that effect also shall be taken and the petitioner's suspension shall be revoked and he shall be reinstated. The needful as



indicated above shall be undertaken by the respondent within a period of two weeks from the date of receipt of a copy of this order."

10. With the above direction, the Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/
Assistant Registrar (P&A)

/True copy/

Sub Assistant Registrar (CS-II)

To
The District Collector,
Office of the District Collector,
Pudukottai, Pudukottai District.

+1cc to Mr. K. Appadurai, Advocate, SR.No.70936
+1cc to M/s. Special Government Pleader, SR.No.71061

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and
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KK/RP/SAR-2/15.11.2018/3P-4C