

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 09.01.2019

CORAM

THE HONOURABLE DR. JUSTICE S.VIMALA

W.P. NO. 22586 OF 2018

M.Ravichandran

.. Petitioner

- Vs -

The Secretary to Government
Revenue & Disaster Management
Services Wing
Fort St. George, Chennai - 9.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of certiorarified mandamus to call for the records of the respondent in connection with the impugned order passed by him in GO (2D) No.271, Revenue & Disaster Management Department, Services Wing, Service-2(3) Section dated 6.9.2017 and quash the same and direct the respondent to reinstate the petitioner into service and grant him all consequential service and monetary benefits.

For Petitioner : Mr. K.Venkataramani, SC, for
Mr. M.Muthappan

For Respondents: Mr. A.N.Thambidurai, Spl. GP

ORDER

The present writ petition has been filed by the petitioner for quashment of the impugned order and to reinstate the petitioner in service with all attendant benefits.

2. It is the case of the petitioner that he was appointed as Junior Assistant and after service for more than 8 years was promoted as Assistant and further promoted as Deputy Tahsildar and, thereafter, Tahsildar in the year 2004 and 2007 respectively. The petitioner was further promoted as Revenue Divisional Officer and was in line for promotion as District Revenue Officer. However, in a Vigilance case, the petitioner was unnecessarily arrayed as an accused and arrested and remanded to custody and the petitioner was released on bail thereafter. Due to the same, the petitioner was suspended from service by the respondent since ***19.07.2017** and the order of suspension continues till date. Neither the petitioner has been

proceeded departmentally nor final report has been filed in the said vigilance case. Therefore, left with no alternative, the present petition has been filed.

3. Mr. A.N.Thambidurai, learned Special Government Pleader takes notice for the respondents.

4. The Supreme Court in the case of Ajay Kumar Choudhary - Vs - Union of India (2015 (7) SCC 291) had deprecated the act of the employers in keeping its employees under prolonged suspension. In the said case, the Supreme Court has laid down that suspension of an employee is injurious to his interests and must not be continued for an unreasonable long period; the currency of suspension order should not extend beyond three months if within this period the memorandum of charges/charge sheet is not served on the delinquent officer/employee; if the memorandum of charges/charge sheet is served, a reasoned order must be passed for extension of suspension.

5. In the case on hand, a perusal of the records reveal that the petitioner has been under suspension since ***19.07.2017**. Though the allegations are serious in nature, neither the petitioner has been proceeded departmentally nor final report has been filed in the vigilance case stated to have been filed against the petitioner. Such being the case, keeping the employee under suspension for more than a year and a half, as laid down by the Supreme Court, would be injurious to the employee. Therefore, the suspension order has to be set aside.

6. Accordingly, for the reasons aforesaid, this writ petition is disposed of by revoking the order of suspension and with a further direction to the respondent to post the petitioner in a non-sensitive post by imposing reasonable conditions. The respondent shall further take all steps to complete the criminal case at the earliest point of time. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CS-IV)

***Corrected vide order of court dated 29.01.2019
made in WP No.22586 of 2018.**

//True copy//

Sub Assistant Registrar

GLN

To

The Secretary to Government
Revenue & Disaster Management
Services Wing
Fort St. George, Chennai - 9.

+2ccs to Mr.M.Muthappan, Advocate SR.No.2905

+2ccs to Government Pleader SR.No.2730

W.P.No.22586 of 2018

GMV (21/02/2019)



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