



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.11.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD)No.22254 of 2019

C.Rajendran

... Petitioner

Vs.

1. The District Collector,  
Pudukottai District, Pudukottai.

2. The Block Development Officer,  
Panchayat Union, Viralimalalai,  
Pudukottai District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for entire records relating to the impugned proceedings of the first respondent herein in vide Roc.No.0467/2019P6 (Dev.), dated 02.02.2019 and quash the same as illegal and consequently to direct the first respondent to reinstate the petitioner in service forthwith.

For Petitioner : Mr.AL.Kannan

For Respondent No.1: Mr.V.R.Shanmuganathan, Government Pleader

For Respondent No.2 : Mr.S.Dhayalan, Government Advocate

**ORDER**

The petitioner is challenging the order of suspension, dated 02.02.2019 on the ground that he was kept under prolonged suspension.

2. According to the petitioner, he was working as Secretary of Kunnathur Panchayat and was suspended from service with effect from 02.02.2019 based on the FIR registered and on his arrest in a trap case of demanding and receiving the bribe. The criminal case is in FIR stage and there is no progress in the criminal case and no disciplinary proceedings are initiated. As per the judgment of **Ajay Kumar Choudhary Vs. Union of India reported in (2015) 7 SCC 291** prolonged suspension for indefinite period is bad in law. As per the judgment of the Hon'ble Apex Court referred to above, the respondents must be directed to revoke the suspension and reinstate the petitioner into service with all monetary benefits.

3. The learned Government Advocate appearing for the respondents submitted that the petitioner demanded and accepted the bribe. He caught red-handed and was arrested in a criminal case, for serious offence, which was registered against the petitioner and the same is pending. If an order of suspension is revoked, there is a possibility of tampering with document by the petitioner and prayed for dismissal of the writ petition.



4. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents and perused the materials available on record.

5. From the materials on record, it is seen that the petitioner is kept under suspension for more than eight months. It is an admitted fact that the criminal case is in FIR stage and the charge-sheet is not filed, even after registering the FIR in February 2019. The respondents have not initiated any disciplinary proceedings against the petitioner. The Hon'ble Apex Court in **Ajay Kumar Choudhary Vs. Union of India** reported in **(2015) 7 SCC 291** has held that if any suspension order issued by the authorities competent must ensure that if any proceedings initiated against the suspended employee and the same must be concluded within a reasonable period of time without causing any undue delay. If employer decides to continue the suspension, they must record reasons for the same. In the present case, the order of suspension is not revoked even after a lapse of eight months. In view of the judgment of Hon'ble Apex Court in **Ajay Kumar Choudhary Vs. Union of India** reported in **(2015) 7 SCC 291**, the respondents are directed to review the order of suspension and decide whether the petitioner is to continue in suspension. If the respondents decide to continue the petitioner in suspension, they must record the reasons for the same.

6. In view of the above, the respondents are directed to review the order of suspension in the light of **Ajay Kumar Choudhary Vs. Union of India** reported in **(2015) 7 SCC 291**, within a period of two weeks from the date of receipt of a copy of this order.

7. With the above directions, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

- 1.The District Collector,Pudukottai District,Pudukottai.
- 2.The Block Development Officer,  
Panchayat Union,Viralimalai,Pudukottai District.

+1 CC to M/s.SPL GP ( SR-96662[F] dated 07/11/2019 )

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