



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 26.11.2019**

**CORAM:**

**THE HONOURABLE MS.JUSTICE V.M.VELUMANI**

**W.P. (MD)No.25026 of 2019**

**and**

**W.M.P(MD) .Nos.21612 and 21615 of 2019**

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P.Marimuthu

... Petitioner

Vs.

1.The Director of Local Fund Audit  
Nandhanam, Chennai 600 035

2.The Deputy Director of Local Fund Audit  
Nandhanam, Chennai 600 035

3.The Regional Joint Director  
Department of Local Fund Audit  
Chinna Chokkikulam, Madurai

4.The Assistant Director  
Department of Local Fund Audit  
Sivagangai

... Respondents

**PRAYER:** Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the suspension order made in R.C.No.8718/O.Na.1/2019 dated 26.04.2019 on the file of the second respondent and consequential order made in Na.Ka.No.8718/O.Na.1/2019 dated 06.11.2019 on the file of the first respondent and quash the same and directing the respondents to reinstate the petitioner in his services.

For Petitioner : Mr.V.Kannan

For Respondents : Mr.C.Ramar

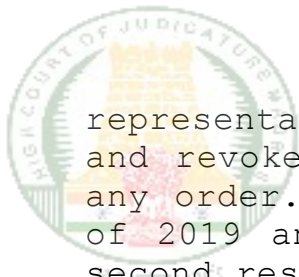
Additional Government Pleader

**ORDER**

This writ petition is filed challenging the impugned orders passed by the respondents 1 and 2.

2. The petitioner while working as Assistant Inspector in Sivagangai Office, he was arrested on 22.04.2019 by the Police and released on bail on 25.04.2019. Due to that, the petitioner was suspended from service, by order dated 26.04.2019. He made

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

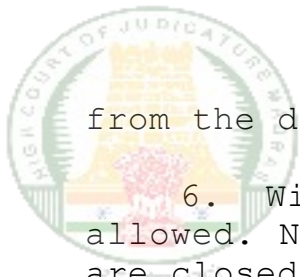


representation to the respondents to reinstate him into service and revoke the order of suspension. The respondent did not pass any order. The petitioner filed writ petition in W.P(MD)No.17926 of 2019 and this Court, by order dated 16.08.2019, directed the second respondent to consider the claim of the petitioner and pass orders on the representation of the petitioner. The first respondent by the impugned order, dated 06.11.2019, rejected the request of the petitioner for revocation of suspension.

3.From the impugned order, it is seen that the first respondent has rejected the request of the petitioner for revocation of suspension on the ground of pendency of criminal case. The said reason is not correct. The Hon'ble Apex Court in **Ajay Kumar Choudhary Vs. Union of India reported in (2015) 7 SCC 291**, held that when charge sheet in a criminal case or charge-memo in the disciplinary proceedings are not issued within three months from the date of suspension, the department must renew the order of suspension and pass orders either to continue the suspension or revoke the suspension. If the Department decides to continue the suspension, the reasons for the same must be recorded. In the present case, the petitioner was suspended from service on 26.04.2019 and he is continued to be under suspension for more than 6 months. According to the learned counsel for the petitioner, the respondents have not initiated any departmental proceedings and no charge-sheet has been filed in the criminal case. Keeping the Government Servant under suspension for a long period is causing a stigma on the Government Servant. The Hon'ble Apex Court in the judgment referred to above, held that the order of suspension must be renewed once in three months and the Department must consider for revocation of suspension and posting the Government Servant in any one of the non-sensitive post. In view of the judgment of the Hon'ble Apex Court referred to above, the reason for continuing the Government Servant under suspension for a long period, as mentioned in the Government letter 19.08.2019 and the letter dated 05.01.1996, is no longer valid.

4.For the above reasons, the impugned orders of the respondents 1 and 2, dated 06.11.2019 and 26.04.2019 respectively, are set aside. The respondents are directed to review the order of suspension taking into consideration the fact that the petitioner is under suspension from 26.04.2019 and for more than 6 months, there is no progress in the criminal case and departmental proceedings.

5. In view of the above, the respondents are directed to consider the case of the petitioner for revoking the suspension and posting him in a non-sensitive post in the light of judgment of the Hon'ble Apex Court in **Ajay Kumar Choudhary Vs. Union of India reported in (2015) 7 SCC 291**, within a period of four weeks



from the date of receipt of a copy of this order.

6. With the above directions, the writ petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

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Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar (CS)

msa

To

1.The Director of Local Fund Audit  
Nandhanam, Chennai 600 035

2.The Deputy Director of Local Fund Audit  
Nandhanam, Chennai 600 035

3.The Regional Joint Director  
Department of Local Fund Audit  
Chinna Chokkikulam, Madurai

4.The Assistant Director  
Department of Local Fund Audit  
Sivagangai

+1 CC to MR.V. KANNAN, Advocate ( SR-101410[F] dated 26/11/2019 )

+1 CC to SPL GP ( SR-101958[F] dated 27/11/2019 )

**W.P. (MD)No.25026 of 2019**

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