



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.02.2020**

CORAM:

THE HONOURABLE **MR. JUSTICE M.S.RAMESH**

W.P.(MD) No.616 of 2020

and

W.M.P (MD) Nos.451, 453 and 530 of 2020

S.Titus

... Petitioner

/vs./

1.The Commissioner/Director of Town and Country Planning,
No.807, Anna Salai,
Chennai-2.

2.The Member Secretary,
Madurai Local Planning Authority,
Aringnar Anna Mazhigai,
Madurai-625 020.

3.The Member Secretary,
Madurai New Town Development Authority,
Aringnar Anna Mazhigai,
Madurai-625 020.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating with the impugned order passed by the first respondent in his proceedings in Roc No.4054/2018/K2 dated 28.02.2018 and rejection order dated 26.12.2019 and quash the same as illegal and consequently direct the first respondent to reinstate the petitioner into service and for other reliefs.

For Petitioner	:	Mr.T.Ramesh
For Respondents	:	Mr.R.Sethuraman Special Government Pleader

ORDER

Pending enquiry into grave charges against the petitioner herein, he was placed under suspension, vide the impugned order dated 28.02.2018. Challenging the suspension, the petitioner had given a representation dated 14.02.2019 seeking for revocation of suspension and that the said representation was not considered, a writ petition came to be filed by him in W.P(MD) No.5906 of 2019 and this Court by an order dated 12.03.2019, had directed the first respondent to consider the representation given by the petitioner. While the aforesaid writ petition was taken up for consideration, the learned counsel for the petitioner therein had relied upon the decision of the Hon'ble Apex Court in the dictum laid down in **Ajay Kumar Chowdery Vs. Union of India** reported in **2015 (7) SCC 291**. Pursuant to the order of this Court dated 12.03.2019, the present



impugned order has been passed, rejecting the petitioner's representation on the ground that the criminal proceedings initiated against the petitioner is still pending.

2.The Hon'ble Apex Court in the aforesaid decision in **Ajay Kumar Chowdery's case (supra)** had laid down guidelines with regard to the prolonged suspension in which it was stipulated that the currency of the suspension order should not extend beyond the period of three months, if the memorandum of charge/ charge sheet is not served on the delinquent officer and in case memorandum of charge /charge sheet is served, reasoned order must be passed for the extension of the suspension.

3.In the instant case, though the impugned suspension order was passed on 28.02.2018, the guidelines stipulated under **Ajay Kumar Chowdery' case (supra)** has not been followed and there is no reasoned order on the part of the respondents with regard to the extension of the suspension order. In view of the guidelines stipulated by the Hon'ble Apex Court, this Court is of the view that the impugned suspension order cannot be sustained any further.

4.In the light of the above observations, the impugned order in R.C.No.4054/2018/K2 dated 28.02.2018 and the consequent order in R.C.No.4054/2018/K2 dated 26.12.2019 passed by the first respondent are set aside. Consequently, the respondents shall reinstate the petitioner back into service atleast within a period of one week from the date of receipt of a copy of this order. It is open to the respondents to transfer the petitioner to any other office, if the respondents may choose do so. This Writ Petition is allowed accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

cp

To

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Chennai-2.



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+1 CC to Mr.T,RAMESH, Advocate (SR-4993[F] dated 06/02/2020)

+1 CC to SPL GP (SR-5230[F] dated 07/02/2020)

Order made in
W.P.(MD) No.616 of 2020
06.02.2020

VB(24.02.2020) 3P 6C