



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **03.02.2020**

CORAM:

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

W.P.(MD) No.1784 of 2020

and

W.M.P.(MD) Nos.1510 and 1511 of 2020

P.Nagavel

... Petitioner

/vs./

1.The Chief Education Officer,
Pudukkottai,
Pudukkottai District.

2.The District Educational Officer,
Aranthangi,
Pudukkottai District.

3.The Headmaster,
Government Higher Secondary School,
Mimisal, Pudukkottai District.

... 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 pertaining to the impugned order passed by the first respondent in R.C.No.10158/B1/2018 dated 24.12.2018 and quash the same and further direct the first respondent to reinstate the petitioner into service with all monetary and service benefits.

For Petitioner : Mr.K.Samidurai

For Respondents : Mr.M.Karuppasamy
Government Advocate

ORDER

The Hon'ble Apex Court in the case of **AJAY KUMAR CHOUDHARY Vs., UNION OF INDIA THROUGH ITS SECRETARY & ANR.**, reported in (2015) 2 SCC 291 has held that in cases, where the Government employee is placed under suspension on the ground that a criminal case is pending, such a suspension will not be extended over and above within a period of three months, if the charge memo has not been filed in the case. In the present case, the respondents have



neither filed a charge memo nor have passed a reasoned order justifying as to why the suspension order requires to be extended.

2.In the absence of the same, it would be opposed to the ratio laid down by the Hon'ble Apex Court in the aforesaid judgment. As such, the impugned suspension order cannot be sustained.

3.In the light of the above observations, the impugned suspension order dated 24.12.2018 in RC.No.10158/B1/2018 on the file of the first respondent herein is quashed. Consequently, the first respondent shall reinstate the petitioner back to his services forthwith, in any event, within a period one week from the date of receipt of a copy of this order.

4.With the above observations, this Writ Petition stands allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

rmk

To:

1.The Chief Education Officer,
Pudukkottai, Pudukkottai District.

2.The District Educational Officer,
Aranthangi, Pudukkottai District.

3.The Headmaster,
Government Higher Secondary School,
Mimisal, Pudukkottai District.

+1 CC to M/s.SPL GP (SR-4555[F] dated 04/02/2020)

+1 CC to M/s.K.SAMIDURAI, Advocate (SR-4698[F] dated 04/02/2020)

Order made in
W.P. (MD) No.1784 of 2020
03.02.2020

JMN (12.02.2020) 2P : 6C