



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **28.02.2020**

CORAM

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

**W.P. (MD)No.2415 of 2020**

**and**

**W.M.P. (MD) .Nos.2065 and 2066 of 2020**

A.Samavel Gnanam

.. Petitioner

Vs.

1.The Deputy Inspector General of Police,  
Tiruchirappalli Range,  
Tiruchirappalli District.

2.The Superintendent of Police,  
Office of the Superintendent of Police,  
Tiruchirappalli 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 of 1<sup>st</sup> respondent in R.O.No.337/2011, C.No.B1/12548/2011 dated 26.11.2011 and the consequential order in C.No.B1/12548/2011 dated 07.11.2019 and quash the same and consequently direct the respondent to revoke the suspension order and re-instate the petitioner with all consequential service and monetary benefits in the interest of justice within the time frame fixed by this Court.

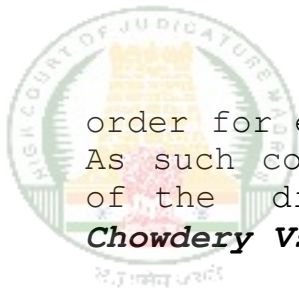
For Petitioner : Mr.A.Edwin Prabakar

For Respondents : Mr.M.Jeyakumar  
Additional Government Pleader

**ORDER**

The grievance of the petitioner is that he was placed under suspension on 26.11.2011 by the first respondent herein on the ground that a criminal case in Crime No.30/2011 is pending against him. Admittedly, no charges have been levelled against the petitioner till date.

2. The learned counsel for the petitioner would submit that though three months period has expired from the date of suspension order, no charge sheet/ charge memo has been filed either in the criminal case or in the departmental enquiry and that a reasoned



order for extension of the suspension period has also not been made. As such continuation of the suspension order would be in violation of the dictum laid down by the Hon'ble Apex Court in **Ajay Kumar Chowdery Vs. Union of India reported in 2015 (7) SCC 291.**

3. The learned Special Government Pleader would place reliance of the counter affidavit filed by the respondents and submit that since the criminal case is still pending against the petitioner, the suspension order should not be interfered with.

4. The Hon'ble Apex Court in **Ajay Kumar Chowdery 's case (Supra)** has held that continuation of suspension beyond a period of three months should be followed by a reasoned order revealing the necessity for continuation of the suspension period, particularly, when charges have not been levelled against the delinquent officer. In the instant case, no such reasoned order has been passed for extending the suspension order beyond the period of three months and charges under departmental action have also not been levelled. As such, the continuation of the suspension itself is against the ratio laid down by the Apex Court in **Ajay Kumar Chowdery's case (supra).** On this short ground, the suspension order cannot be allowed to continue.

5. In the light of the above observations, the impugned suspension order dated 26.11.2011, passed in R.O.C.No.227/2011, C.No.B1/12548/2011 stands quashed. Consequently, there shall be a direction to the first respondent to reinstate the petitioner into service forthwith, in any event, atleast within a period of one week from the date of receipt of a copy of this order. It is needless to mention that it is always open to the respondents to proceed with the departmental action, if they choose to do so, in accordance with the dictum of the Hon'ble Apex Court in **Ajay Kumar Chowdery's case (supra) .**

6. Accordingly, this Writ Petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-  
ASSISTANT REGISTRAR (AS)

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/ /2020  
SUB ASSISTANT REGISTRAR (CS)

PJL



To

1.The Deputy Inspector General of Police,  
Tiruchirappalli Range,  
Tiruchirappalli District.

2.The Superintendent of Police,  
Office of the Superintendent of Police,  
Tiruchirappalli District.

3.The additional public prosecutor  
Madurai Bench of Madras High court,  
Madurai.

+1 CC to M/s.T.SENTHIL KUMAR, Advocate( SR-9224[F] dated  
28/02/2020 )

+1 CC to M/s.SPL.GP ( SR-9615[F] dated 02/03/2020 )

W.P. (MD) No.2415 of 2020  
28.02.2020

KB(17.03.2020)/3P/6C