



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.02.2020

CORAM:

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

W.P. (MD) No.2530 of 2020

and

W.M.P. (MD) .No.2177 of 2020

WEB COPY

M.Duraipandi

.. Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Revenue Divisional Officer,
Melur,
Madurai District.

3.The Tahsildar,
Melur Taluk,
Madurai 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 suspension order in R.O.C.No.4539/2013(A3), dated 14.10.2019 passed by the respondent No.2 and quash the same as illegal and consequently directing the respondent No.2 to reinstate the petitioner as Village Administrative Officer with all service and monetary benefits with continuity of service.

For Petitioner : Mr.A.Abbas Mandhiri

For Respondents : Mr.M.Jeyakumar

Additional Government Pleader

ORDER

The grievance of the petitioner is that he was placed under suspension on 14.10.2019 by the second respondent herein on the ground that grave charges against the petitioner is contemplated.

2. The learned counsel for the petitioner would submit that though three months period had expired from the date of the suspension order, a reasoned order for extension of the suspension period has 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 Additional Government Pleader would submit that since there are three charges framed 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. In the instant case, no such reasoned order has been passed for extending the suspension order beyond the period of three months. 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 14.10.2016, passed in R.O.C.No.4539/2013(A3), stands quashed. Consequently, there shall be a direction to the second respondent to reinstate the petitioner into service forthwith, in any event, atleast within a period of three days 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 petition is closed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

PJL

To

1.The District Collector,
Madurai District, Madurai.

2.The Revenue Divisional Officer,
Melur, Madurai District.

3.The Tahsildar,
Melur Taluk, Madurai District.

+1 CC to Mr.R.VENKATESAN, Advocate (SR-9460[F] dated 02/03/2020)
+1 CC to SPL.GP (SR-9609[F] dated 02/03/2020)

W.P. (MD) No.2530 of 2020
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