



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.02.2020**

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

WEB COPY

W.P. (MD)No.2735 of 2020

and

W.M.P. (MD) .Nos.2321 to 2323 of 2020

P.Tamil Selvan

... Petitioner

/vs/

- 1.The State of Tamil Nadu,
rep by its Secretary to Government
Rural Development and Panchayat Raj Department,
Secretariat,
Chennai-9.
 - 2.The Director of Rural Development and Panchayat Raj
Directorate of Rural Development and Panchyat Raj
Panagal Building,
Chennai-600 015.
 - 3.The District Collector,
Trichy District,
Trichy.
 - 4.The Personal Assistant to District Collector (Development)
O/o.the Collector Office Campus,
Trichy District,
Trichy.
 - 5.The Block Development Officer (Village Panchayat)
O/o.Block Development Officer,
Manachanallur Panchayat Union,
Trichy District.
 - 6.The President,
Siruganoor Village Panchayat,
Manachanallur Panchayat Union & Taluk,
Trichy District.
- ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 4th respondent in his proceedings செ.மு.எண்.த1/5857/2016 dated 09.08.2016 and quash the same as illegal and consequently, to direct the respondent to reinstate the petitioner in service within the period as stipulated by this Court.



For Petitioner : Mr.C.Venkatesh Kumar
for M/s.Ajmal Associates

ORDER

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Continuation of suspension order, in pursuant to the departmental action beyond the period of three months, is contrary to the law laid down by the Hon'ble Apex Court in the case of **AJAY KUMAR CHOUDHARY V. UNION OF INDIA(UOL) AND ORS.**, reported in **2015(3) CTC 119.**

2.If at all, the respondents are of the view that the suspension requires to be continued after the period of three months, there is a duty cast upon them to pass a revised speaking order expressing such necessity. In the instant case, admittedly, no such orders have been passed by the respondents to continue the suspension period, beyond the period of three months and as such, the order itself is liable to be quashed on this sole ground.

3.The learned counsel for the petitioner would submit that the suspension order had placed reliance on G.O.Ms.No.72 dated 09.07.2013, wherein, the respondents claim to have the power of suspension. According to the learned counsel for the petitioner, G.O.Ms.No.72, dated 09.07.2013 came to be challenged before this Court in M.P.(MD).No.2 of 2013 in W.P.(MD).No.16884 of 2013 and this Court by an order, dated 11.10.2013 has stayed the operation of the aforesaid G.O and it is stated that the order of interim stay will continue to be in force. On this ground also, the impugned order of suspension cannot be sustained.

4.For the above foregoing reasons, the impugned order dated 09.08.2016 in செ.மு.எண்.த1/5857/2016 is quashed. Consequently, the respondents are directed to reinstate the petitioner into service at least within a period of one week from the date of receipt of a copy of this order.

5.The Writ petition stands allowed accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



To

- 1.The Secretary to Government
Rural Development and Panchayat Raj Department,
Secretariat,
Chennai-9.
- 2.The Director of Rural Development and Panchayat Raj
Directorate of Rural Development and Panchyat Raj
Panagal Building,
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- 3.The District Collector,
Trichy District, Trichy.
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O/o.the Collector Office Campus,
Trichy District,
Trichy.
- 5.The Block Development Officer (Village Panchayat)
O/o.Block Development Officer,
Manachanallur Panchayat Union,
Trichy District.
- 6.The President,
Siruganoor Village Panchayat,
Manachanallur Panchayat Union & Taluk,
Trichy District.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-8035[F] dated
25/02/2020)

+1 CC to SPL.GP (SR-8095[F] dated 25/02/2020)

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MK (12.03.2020) 3P 9C