



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.10.2020

CORAM:

THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

W.P. (MD)No.13582 of 2020

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S.Senthilkumar

... Petitioner

Vs.

- 1.The Joint Director (Personal),
School Education Department,
St.George Fort, Secretariat,
Chennai.
- 2.The Chief Educational Officer,
Dindigul District,
Dindigul.
- 3.The District Educational Officer,
School Education,
Dindigul District,
Dindigul.
- 4.The Headmaster,
Government Higher Secondary School,
Chinnagandhipuram,
Dindigul District.

... Respondents

PRAYER : This Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, to direct the respondents 1 and 2 to reinstate the petitioner into the service as B.T.Assistant in the fourth Respondent school or any other place in the same cadre without prejudice to the pending disciplinary proceedings in R.C.No.41812/C3/S3/2017, dated 20.09.2017 pending on the file of the first respondent.

For Petitioner : Mr.A.Balaji

For Respondents : Mrs.S.Srimathy,
Special Government Pleader.

O R D E R

This writ petition has been filed to direct the respondents 1 and 2 to reinstate the petitioner into the service as B.T.Assistant in the fourth school or any other place in the same cadre without prejudice to the disciplinary proceedings in



R.C.No.41812/C3/S3/2017, dated 20.09.2017 pending on the file of the first respondent.

2.It is the case of the petitioner that the FIR in Crime No.8 of 2016 was registered against him by the Economic Offence Wing-II, Madurai and thereafter, he was arrested and remanded to the judicial custody on 03.12.2016. It is the further case of the petitioner that he has been implicated in the above said case for the sole reason that he has introduced some of the depositors to become the customers of the bank. He has not introduced such customers directly. As his mother is an agent he just introduced some of them to her and in turn, she introduced those persons to the financial institution. Therefore, the petitioner has been falsely implicated in the above said Crime No.8 of 2016. In view of the said case, the petitioner was suspended from service on 03.12.2016 and till date, no charge memo has been issued. In support of his contention, he refers to the judgment of our Hon'ble Apex Court in the case of **AJAY KUMAR CHOUDHARY Vs., UNION OF INDIA THROUGH ITS SECRET ANR.**, reported in (2015) 2 SCC 291, wherein it has been categorically held that the suspension order should not normally extend beyond three months, if within this period the memorandum of charges/charge sheet has not been served on the delinquent officer/employee. However, in the present case, neither charge memo nor charge sheet has been filed within three months as indicated in the aforesaid decision. In this regard, the petitioner has given representations dated 24.09.2017, 12.10.2017 and 25.05.2018 to the respondents to revoke the suspension order dated 03.12.2016. However, till date, no action has been taken in the said representations. Hence, he approaches this Court to pass appropriate orders.

3.The learned Special Government Pleader appearing for the respondents would fairly submit that as per the **Ajay Kumar Choudhary's case**, the suspension order may not be continued beyond the period of three months without issuance of any charge memo. In the present case, no charge memo has been issued. He would further submit that the representations of the petitioner will be disposed of on merits and in accordance with law.

4.In view of the submission made by the learned counsel appearing on either side, this Court is of the view that without issuing any charge memo, the suspension order has been continued from 03.12.2016 to till date. It is against ratio laid down in the **Ajay Kumar Choudhary's case**. Therefore, this Court directs the first respondent to consider the petitioner's representations dated 24.09.2017, 12.10.2017 and 25.05.2018 and to pass appropriate orders on merits and in accordance with law within a period of three weeks from the date of receipt of a copy of this order.



5. With the above directions, this Writ Petition is disposed of.
No costs.

Sd/-

Assistant Registrar (CS II)

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// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:-

1. The Joint Director (Personal),
School Education Department,
St. George Fort, Secretariat,
Chennai.
2. The Chief Educational Officer,
Dindigul District,
Dindigul.
3. The District Educational Officer,
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