



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2021

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P. No.8649 of 2020  
(Through Video Conferencing)

D.Chakkaravarthi

... Petitioner

Vs

1. The Director of Town Panchayats,  
Urban Building Complex,  
7<sup>th</sup> & 8<sup>th</sup> Floor, Raja Annamalaipuram,  
Chennai - 600 028.

2. The Additional Director of Town Panchayats,  
Cuddalore Zone,  
Cuddalore District.

3. The District Collector,  
Cuddalore District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order in Roc.No.2983/2019/TP.2 dated 05.11.2019 on the file of the 3<sup>rd</sup> respondent and quash the same, consequentially direct the 3<sup>rd</sup> respondent to revoke the suspension and reinstate the petitioner to service within a reasonable time.

For Petitioner : Mr.S.Manuraj

For Respondents : Mr.L.S.M. Hasan Fizal  
Government Advocate

ORDER

The petitioner herein has challenged the impugned communication dated 05.11.2019 suspending him from the services pursuant to a trap order which was carried on 05.11.2019. The petitioner was also remanded back to Judicial Custody on the same date. Despite a lapse of six months, no progress was made and therefore the petitioner approached this Court by way of this writ petition after sending a representation dated 18.12.2019. Even as on date, no charge memo has been issued to



the petitioner.

2. The learned counsel for the respondents submits that the respondents are in the process of issuing charge memo, as the same has been drafted and is being vetted internally. I have considered the impugned order of the third respondent and arguments of the learned counsel for the petitioner and the respondents.

3. The issue is squarely covered by the decision of the Hon'ble Supreme Court in Ajaykumar Choudhary Vs Union of India, represented by its Secretary, [2015 7 SCC 291]. In paragraph 21, the Hon'ble Supreme Court has held as under:-

"21. We, therefore, direct that the currency of a suspension order should not extend beyond three months if within this period the memorandum of charges/charge sheet is not served on the delinquent officer/employee; if the memorandum of charges/charge sheet is served, a reasoned order must be passed for the extension of the suspension. As in the case in hand, the Government is free to transfer the person concerned to any department in any of its offices within or outside the State so as to sever any local or personal contact that he may have and which he may misuse for obstructing the investigation against him. The Government may also prohibit him from contacting any person, or handling records and documents till the stage of his having to prepare his defence. We think this will adequately safeguard the universally recognised principle of human dignity and the right to a speedy trial and shall also preserve the interest of the Government in the prosecution. We recognise that the previous Constitution Benches have been reluctant to quash proceedings on the grounds of delay, and to set time limits to their duration. However, the imposition of a limit on the period of suspension has not been discussed in prior case law, and would not be contrary to the interests of justice. Furthermore, the direction of the Central Vigilance Commission that pending a criminal investigation, departmental proceedings are to be held in abeyance stands superseded in view of the stand adopted by us."

4. This view of the Hon'ble Supreme Court has been repeatedly followed by the Courts. There are several decisions of this Court as well following the above decision. Even if a charge memo is issued, the completion of the disciplinary



proceedings may take time.

5. Therefore, there is no point in keeping the petitioner under suspension beyond the period of three months without serving a charge memo. Considering the same, this Writ Petition is disposed by directing the respondents to depute the petitioner to service in any other non-sensitive post, where he may not get a chance in indulging in corruption, if any and where he cannot tamper with the evidence. The respondents shall ask the petitioner to report his duty latest by 27.08.2021.

6. This Writ Petition stands disposed of with the above observations. No costs.

Sd/-  
Assistant Registrar(CO-IX)

//True Copy//

Sub Assistant Registrar

arb

To

1. The Director of Town Panchayats,  
Urban Building Complex,  
7<sup>th</sup> & 8<sup>th</sup> Floor, Raja Annamalaipuram,  
Chennai - 600 028.
2. The Additional Director of Town Panchayats,  
Cuddalore Zone,  
Cuddalore District.
3. The District Collector,  
Cuddalore District.

+1cc to Mr.S.Manuraj, Advocate, S.R.No.37301  
+1cc to the Government Pleader, S.R.No.38080

W.P. No.8649 of 2020

PL(CO)  
CT(23/08/2021)