



WEB COPY

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED : 23.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.12116 of 2020 and
W.M.P.Nos.14860 & 14861 of 2020

R.Saranraj

... Petitioner

Vs

The Divisional Engineer (Highways)
NABARD & Village Roads
Chengalpattu, Kancheepuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the concerned records relating to the order in Proceedings No.11/2020/Kamukkam dated 10.01.2020 passed by the respondent and quash the same and consequently direct the respondent to reinstate the petitioner in service with all consequential monetary and other benefits.

For Petitioner : Mr.M.Gnanasekar

For Respondents : Mr.K.V.Sajeev Kumar,
Government Advocate

O R D E R

The order of suspension dated 10.01.2020, placing the petitioner under suspension on the ground that he has been involved in a criminal case in Crime No.8 of 2020 for the offences under Section 294B, 324 and 506 (ii) IPC is challenged in this writ petition. Though the petitioner was placed under suspension on 10.01.2020, no charge memo has been served on the petitioner till date.

2. The Hon'ble Supreme Court, in the case of Ajay Kumar Choudhary v. Union of India, (2015) 7 SCC 291 has held that, the currency of the suspension order should not extend beyond three months if within this period the memorandum of charges is not served on the delinquent officer.



3. Apparently, the prolonged suspension of the petitioner cannot be sustained in view of the law laid down by the Hon'ble Supreme Court in Ajay Kumar Choudhary's case. Consequently, the impugned order dated 10.01.2020 is quashed and the respondent is directed to reinstate the petitioner back into service forthwith, at least within a period of two weeks from the date of receipt of a copy of this order.

4. With the above direction, this Writ Petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

KST

To

The Divisional Engineer (Highways)
NABARD & Village Roads
Chengalpattu, Kancheepuram District.

+1cc to Mr.M.Gnasekar, Advocate, S.R.No.35645
+1cc to the Government Pleader, S.R.No.35594

W.P.No.12116 of 2020

PCH(CO)
PM(29/07/2021)