



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON:	07.01.2021
DELIVERED ON:	19.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH
W.P.(MD)No.13437 of 2020
and W.M.P. (MD) No.11219 of 2020
(Through Video Conference)

WEB COPY

R.Gopinath

... Petitioner

Vs

1) The Director of Town Panchayat,
O/o the Director of Town Panchayat,
7th & 8th Floor,
Urban Administrative Office Campus,
Chennai 600 028

2) The District Collector,
Dindigul District,
Dindigul.

3) The Assistant Director of Town Panchayat,
Dindigul District,
Dindigul.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records on the file of 2nd respondent's impugned suspension order vide R.O.C.No.1125/2020/TP2 dated 18.05.2020 and quash the same as illegal and devoid of merits and direct the respondents to revoke the order of suspension and re-instate the petitioner into service and pass such further order.

For Petitioner : Mr.Raja Karthikeyan

For Respondents : Mr.M.Muniyasamy,
Additional Government Pleader

O R D E R

The petitioner, while serving as the Executive Officer of Vedasandur Town Panchayat, Dindigul, was placed under suspension by the second respondent herein, through an order dated 18.05.2020, which is impugned in the present writ petition. The petitioner's representation dated 20.05.2020 seeking for revocation of his



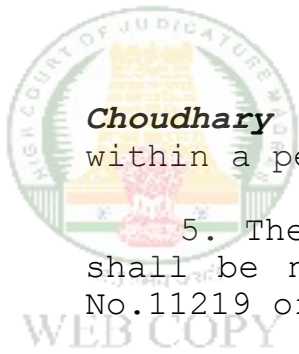
suspension was not considered by the second respondent and hence the present writ petition.

2. The guidelines governing a Government employee to be kept under prolonged suspension, has been dealt with the Hon'ble Supreme Court in **Ajay Kumar Choudhary v. Union of India, (2015) 7 SCC 291** at page 303, in the following manner:-

"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."

3. The petitioner is aggrieved against his prolonged suspension of eight months. Apparently, the suspension cannot unjustifiably prolonged, except in accordance with the mandated guidelines as held in the **Ajay Kumar Choudhary's case (supra)**. In this background, it would be appropriate for the second respondent to consider the petitioner's representation, seeking for revocation of his suspension.

4. Accordingly, a Writ of Mandamus is hereby issued with a direction to the second respondent herein to consider the petitioner's representation dated 30.07.2020, wherein the petitioner has sought for revocation of the suspension order in Roc.No.1125/2020/TP2 dated 18.05.2020, in accordance with the decision of the Hon'ble Supreme Court in the case of **Ajay Kumar**



Choudhary (supra), as expeditiously as possible, in any event, within a period of one week from the date of receipt of this order.

5. The Writ petition stands ordered accordingly. However, there shall be no order as to costs. Consequently, connected W.M.P.(MD) No.11219 of 2020 is closed.

Sd/-

Assistant Registrar (RTI Act)

// True Copy //

/ /2021

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 Director of Town Panchayat,
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Dindigul.
- 3) The Assistant Director of Town Panchayat,
Dindigul District,
Dindigul.

+1 CC to M/s.GP (SR-1406,1600[F] dated 21/01/2021)

W.P. (MD)No.13437 of 2020

Dated:
19.01.2021

vr(CO)
KK(02.02.2021) 3P 5C