



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 01.02.2021**

**CORAM:**

**THE HONOURABLE MR.JUSTICE M.S.RAMESH**

**W.P. (MD) No.13914 of 2018**

**and**

**W.M.P. (MD) Nos.12635 to 12637 of 2018**

**(Through Video Conference)**

M.Arul Bose

...Petitioner

Vs.

1. The Member Secretary,  
Sports Development Authority of Tamil Nadu,  
No.116 A, EVR Periyar High Road,  
Nehru Park,  
Chennai 84

2. The Regional Senior Manager,  
Sports Development Authority of Tamil Nadu,  
Tirunelveli Region, Tirunelveli -2

3. The District Sports Officer,  
Sports Development Authority of Tamil Nadu,  
Anna Stadium,  
Nagercoil, Kanyakumari District.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari to call for the records pertaining the impugned order of suspension in No.15478/A01/2012 dated 03.12.2012 on the file of the respondent no.1 and quash the same as illegal.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mrs.V.P.M.Vaishnavi,  
Government Advocate

**O R D E R**

The petitioner, while serving as a District Volley Ball Coach, was placed under suspension by the first respondent herein, through an order in No.15478/A01/2012 dated 03.12.2012, which is impugned in 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 more than eight years. Apparently, the suspension cannot unjustifiably prolonged, except in accordance with the mandated guidelines as held in the **Ajay Kumar Choudhary's case (supra)**.

4. Accordingly, a Writ of Mandamus is hereby issued with a direction to the respondents herein to revoke the order of suspension made in No.15478/A01/2012 dated 03.12.2012, 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 a copy this order.



5. The Writ petition stands disposed of accordingly. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

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Sd/-

Assistant Registrar(CS-III)

// 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 Member Secretary,  
Sports Development Authority of Tamil Nadu,  
No.116 A, EVR Periyar High Road,  
Nehru Park,  
Chennai 84
2. The Regional Senior Manager,  
Sports Development Authority of Tamil Nadu,  
Tirunelveli Region, Tirunelveli -2
3. The District Sports Officer,  
Sports Development Authority of Tamil Nadu,  
Anna Stadium,  
Nagercoil, Kanyakumari District.

+1 CC to M/s.T.LAJAPATHI ROY, Advocate ( SR-2932[F] dated 02/02/2021 )

+1 CC to M/s.GP ( SR-2800[F] dated 02/02/2021 )

Order made in  
**W.P. (MD) No.13914 of 2018**  
Dated: 01.02.2021

ES (CO)

TR(04.03.2021) 3P 6C