



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.03.2021

CORAM:

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

**W.P. (MD) No.22580 of 2019**

**and**

**W.M.P. (MD) .Nos.19344 to 19346 of 2019**

WEB COPY

A.Ravi

...Petitioner

Vs.

- 1.The District Registrar,  
Pattukottai Co-operative District Registrar Office,  
No.8, Jayaraj Complex, 2<sup>nd</sup> Floor, Chinnaiah Street,  
Pattukkottai.
  - 2.The Joint Registrar,  
Co-operative Societies,  
Registrar Office,  
Samiyappa Co-operative Training Centre Complex,  
M.C.Road, Thanjavur.
  - 3.The President,  
T-3105, Thelungankudikadu Primary Agricultural  
Co-operative Credit Society,  
Thelungankudikadu, Orathanadu Taluk,  
Thanjavur 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 relating to the impugned order of suspension passed on 08.09.2016 by the third respondent herein (undated) and quash the same.

For Petitioner : Mr.D.Sivaraman  
For R-1 & R-2 : Mr.P.Mahendran  
Additional Government Pleader  
For R-3 : Mrs.V.P.M.Vaishnavi

**O R D E R**

Heard Mr.D.Sivaraman, learned counsel for the petitioner, Mr.P.Mahendran, learned Additional Government Pleader for the respondent Nos.1 and 2 and Mrs.V.P.M.Vaishnavi for the third respondent.

2. The petitioner, while serving as Secretary in the T-3105, Thelungankudikadu Primary Agricultural Co-operative Credit Society, Thelungankudikadu, Orathanadu Taluk, Thanjavur District, was placed under suspension by the third respondent herein, through an order dated 08.09.2016, which is impugned in the present writ petition. The petitioner's representation dated 26.09.2019 seeking for revocation of his suspension was not considered by the



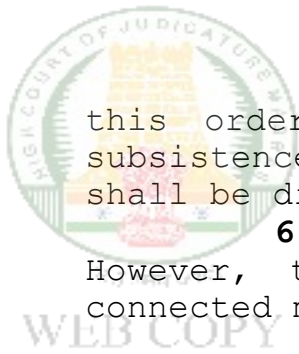
respondents and hence the present writ petition.

3. 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."

4. The petitioner is aggrieved against his prolonged suspension of four years. 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 respondents to consider the petitioner's representation, seeking for revocation of his suspension.

5. Accordingly, a Writ of Mandamus is hereby issued with a direction to the respondents herein to consider the petitioner's representation dated 26.09.2019, wherein the petitioner has sought for revocation of the suspension order 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 (1) week from the date of receipt of a copy



this order. It is needless to point out that in case, the subsistence allowance has not been paid to the petitioner, the same shall be disbursed forthwith.

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

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg

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 District Registrar,  
Pattukottai Co-operative District Registrar Office,  
No.8, Jayaraj Complex, 2<sup>nd</sup> Floor, Chinnaiah Street,  
Pattukkottai.

2.The Joint Registrar,  
Co-operative Societies,  
Registrar Office,  
Samiyappa Co-operative Training Centre Complex,  
M.C.Road, Thanjavur.

+1 CC to M/s.SPL GP ( SR-12754[F] dated 22/03/2021 )

+1 CC to M/s.D.SIVARAMAN, Advocate ( SR-12895[F] dated 23/03/2021 )

W.P.(MD) No.22580 of 2019

19.03.2021

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NSM(CO)

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