



WP(MD)No.17558 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **10.08.2022**

CORAM:

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

W.P.(MD)No.17558 of 2022  
and  
W.M.P.(MD)No.12783 of 2022

R.Anitha

... Petitioner

/vs./

1.The Director General of Police,  
Tamil Nadu,  
Mylapore, Chennai-4.

2.The Deputy Inspector General of Police,  
Madurai Range,  
Madurai.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records on the file of the second respondent herein in C.No.A2/813430/507/2020-Ro No.433/2020, dated 27.11.2020 and to quash the same and to direct the respondents herein to reinstate the petitioner in service and to grant 75% of pay as subsistence allowance with effect from 01.06.2021 till the date of order of reinstatement.



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For Petitioner : Mr.M.Ravi

For Respondents : Mrs.D.Farjana Ghoushia

Special Government Pleader

### **ORDER**

The Hon'ble Supreme Court of India, in the case of **Ajay Kumar Choudhary vs. Union of India, Through its Secretary and another** reported in **2015 (7) SCC 291** has laid down certain guidelines with regard to prolonged suspension of Government Officials.

2.When the applicability of the Hon'ble Supreme Court's Judgment to a criminal case initiated by the Department of Vigilance and Anti Corruption came up for consideration before the Full Bench of this Court in the case of **P.Kannan vs. The Commissioner for Municipal Administration, Municipal Administration Commission, Ezhilagam Annexure - 6<sup>th</sup> Floor, Chepauk, Chennai - 5 and others** passed in **WP.Nos.2165 of 2015 and 21628 of 2018** dated **15.03.2022**, it was held that **Ajay Kumar's case (supra)** does not lay down absolute proposition that the suspension period cannot be continued beyond the period of three months, if the charge memo/charge sheet has not been served or a



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reasoned order of extension is ordered. It was further held that the order of suspension should be analysed on case to case basis.

3.In the instant case, charge sheet in the criminal case initiated by the Department of Vigilance and Anti Corruption was filed after three months and no departmental proceedings have been initiated in the said case till date.

4.By applying the ratio laid down in the cases of **Ajay Kumar's (supra)** and **P.Kannan (supra)**, the respondents ought to have reconsidered the petitioner's case on completion of three months of the suspension period. Incidentally, in a subsequent Government Order in G.O.Ms.No.81, Human Resources Department, dated 04.08.2022, the ratio of the Hon'ble Full Bench of this Court has been reiterated and certain guidelines have been issued with regard to cases of prolonged suspension.

5.The learned counsel for the petitioner submitted that if the respondents are directed to reconsider the petitioner's request for revocation of the suspension order, he would be satisfied.



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6. In the light of the submission made, the petitioner is granted liberty to make a fresh representation seeking for revocation of the suspension order, dated 27.11.2020 and on receipt of such representation, the respondents herein shall consider the same, in the light of **Ajay Kumar's case (supra)** and **P.Kannan (supra)** and Government Order in G.O.Ms.No.81, Human Resources Department, dated 04.08.2022 and pass appropriate orders within a period of two (2) weeks from the date of receipt of copy of this order. This Writ Petition stands ordered accordingly. No costs. Consequently, connected miscellaneous petition is closed.

**10.08.2022**

Index : Yes / No  
Internet : Yes / No  
sn/sm



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**M.S.RAMESH, J.**

Sn/Sm

Order made in  
W.P.(MD)No.17558 of 2022

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