



W.P.No.4175 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.4175 of 2023

A.Sindhanai Valavan

...Petitioner

Vs

- 1.The Secretary,
Water Resource Department,
Secretariat Building,
St. George Fort, Chennai - 600 009.
- 2.The Secretary,
Department of Personnel and
Administrative Reforms,
Secretariat Building,
St. George Fort, Chennai - 600 009.
- 3.The Chief Engineer,
State Ground and Surface Water
Profiling Centre,
Department of Water Resources,
Taramani, Chennai - 600 113.
- 4.The Superintending Engineer,
Land Water Circle,
Department of Water Resources,
Taramani, Chennai - 600 113.



W.P.No.4175 of 2023

5.The Executive Engineer,
Water Supply Sector,
Water Resource Department,
Katpadi, Vellore - 632 006.

6.The Assistant Director (Genology),
Land Water Division,
Water Resource Department,
Katpadi, Vellore - 632 006.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 3rd respondent to revoke the suspension order in Se.Mu.No.E(2)/8488/2022 dated 29.09.2022 passed by the 3rd respondent by considering the petitioner's representations dated 21.12.2022, 23.12.2022 and 04.01.2023 within a stipulated period.

For Petitioner : Mr.P.Velmurugan

For Respondents : Mr.V.Stalin Abhimanyu,
Additional Government Pleader

ORDER

With the consent of both the parties, this writ petition is taken up for final disposal at the stage of admission itself.

2. The petitioner, while serving as an Assistant Geologist under the respondents Department, was placed under suspension by the third



W.P.No.4175 of 2023

respondent herein, through an order dated 29.09.2022, which is impugned in the present Writ Petition. The petitioner's representations dated 21.12.2022, 23.12.2022 and 04.01.2023, seeking for revocation of his suspension, were not considered by the respondents and hence, the present Writ Petition has been filed.

3. The guidelines governing a Government employee to be kept under prolonged suspension, has been dealt with the Hon'ble Supreme Court in the case of ***Ajay Kumar Choudhary v. Union of India***, reported in **(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



WEB COPY



W.P.No.4175 of 2023

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 for more than four months. Apparently, the suspension cannot be unjustifiably prolonged, except in accordance with the mandated



W.P.No.4175 of 2023

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 representations, seeking for revocation of his suspension.

5. In the light of the above observations, a Writ of Mandamus is hereby issued with a direction to the respondents herein to consider the petitioner's representations dated 21.12.2022, 23.12.2022 and 04.01.2023, wherein the petitioner has sought for revocation of the suspension order passed by the third respondent vide his proceedings dated 29.09.2022, 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.

6. The Writ Petition stands ordered accordingly. Consequently, connected miscellaneous petition is closed. No costs.

21.02.2023

Index: Yes/No

Speaking order/Non-speaking order

hvk



W.P.No.4175 of 2023

WEB COPY

- To
- 1.The Secretary,
Water Resource Department,
Secretariat Building,
St. George Fort, Chennai - 600 009.
 - 2.The Secretary,
Department of Personnel and
Administrative Reforms,
Secretariat Building,
St. George Fort, Chennai - 600 009.
 - 3.The Chief Engineer,
State Ground and Surface Water
Profiling Centre,
Department of Water Resources,
Taramani, Chennai - 600 113.
 - 4.The Superintending Engineer,
Land Water Circle,
Department of Water Resources,
Taramani, Chennai - 600 113.
 - 5.The Executive Engineer,
Water Supply Sector,
Water Resource Department,
Katpadi, Vellore - 632 006.
 - 6.The Assistant Director (Genology),
Land Water Division,
Water Resource Department,
Katpadi, Vellore - 632 006.



WEB COPY



W.P.No.4175 of 2023

M.S.RAMESH,J.

hvk

W.P.No.4175 of 2023

21.02.2023