



W.P.No.11138 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.11138 of 2022

and

W.M.P.Nos.10729 and 10730 of 2022

A.Aanandavelu

...Petitioner

Vs

1. The Deputy Inspector General
of Police (Coimbatore Range),
Race Course Road,
Thomas Park,
Race Course,
Coimbatore - 641 018.
2. The Superintendent of Police,
Upper Bazar,
The Nilgiri District - 643 001.
3. The Director,
Vigilance and Anti - Corruption,
No.293, M.K.N.Road,
Collectors Nagar,
Alandur,
Chennai - 600 016.



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4. The Superintendent of Police,
Vigilance and Anti-Corruption (Western Range)
D/4, Ramasamy Nagar , 1st Street,
TFRS Near Koindampalayam,
Coimbatore - 641 030.

...Respondents

(R3 and R4 impleaded vide order dated 11.05.2022 in W.M.P.No.11534 of 2022 in W.P.No.11138 of 2022 by GRSJ).

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for records of the impugned suspension order passed by the 1st respondent vide R.O.36/2021 in C.No.599/D1/2021 dated 21.01.2021 and the subsequent order passed by the 1st respondent dated 04.10.2021 vide C.No.599/D1/ 2021 not reinstating the petitioner in service and quash the same and consequently direct the 1st and 2nd respondents to reinstate the petitioner in any non-sensitive post.

For Petitioner : Mr.A.Naveen Kumar Murthi

For Respondents : Mrs.V. Yamunadevi
Special Government Pleader



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ORDER

Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.

2.On the ground of prolonged suspension, the petitioner seeks for interference to the suspension order through the present Writ Petition.

3.The Hon'ble Supreme Court, in the case of '*Ajay Kumar Choudhary v. Union of India*', reported in '*(2015) 7 SCC 291*', had set certain guidelines with regard to prolonged suspension. On a reference made by me, the Hon'ble Full Bench of this Court, in the case of '*P.Kannan Vs. Commissioner of Municipal Administration and others*'



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reported in '(2022) 2 CTC 353', had held that the Judgement of the Apex Court, in the case of *Ajay Kumar Choudhary (supra)*, does not lay down an absolute proposition of law that an order of suspension cannot be continued beyond the period of three months on the circumstances mentioned therein and that the order of suspension should be analysed on the facts of each case, considering the gravity of charges and the Rules applicable. It was further held that the revocation of the suspension with a direction to the employer to post the delinquent in a non-sensitive post, as held in *Ajay Kumar Choudhary's case (supra)*, also cannot be endorsed or directed as a matter of course.

4. In line with the orders passed by the Hon'ble Supreme Court, as well as the Hon'ble Full Bench of this Court, the Government, in G.O. (Ms) No.81, Human Resources



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Management (N) Department, dated 04.08.2022, had stipulated a compendium of instructions for review of suspension orders in matter which are pending inquiry into grave charges.

5.On consideration of these instructions in G.O.(Ms) No.81, this Court is of the view that the respondents herein could be directed to review the order of suspension, in accordance with the guidelines issued thereunder.

6.In the light of the above findings, there shall be a direction to the respondents herein to consider the petitioner's representation dated 04.10.2021, seeking for revocation of the suspension order, in accordance with the instructions issued by the Government in G.O.(Ms).No.81, dated 04.08.2022, and



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pass appropriate orders, within a period of four (4) weeks from the date of receipt of a copy this order.

Accordingly, the Writ Petition stands disposed of. No costs.

19.10.2023

Index:Yes/No
Neutral Citation:Yes/No
Speaking order/Non-speaking order
mps

To

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M.S. RAMESH,J.

mps

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