



WEB COPY



W.P.No.17014 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.17014 of 2023
and
W.M.P.No.16208 of 2023

K.Ravichandar

...Petitioner

Vs

The Tamil Nadu Civil Supplies Corporation,
Rep. by its Managing Director,
10, Thambusamy Road, Chennai - 10.
...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records relating to proceedings AD7/13163/2022 dated 05.01.2023 on the file of the respondent herein and quash the same and consequently direct the respondent to revoke the suspension and reinstate the petitioner to duty without any further delay.

For Petitioner : Mr.S.Venkataraman

For Respondent : Mr.C.Selvaraj



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ORDER

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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* 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



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

5. On consideration of these instructions in G.O.(Ms) No.81, this Court is of the view that the respondent 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, the petitioner herein is granted liberty to make a fresh representation to the respondent, seeking for revocation of his suspension order, within a period of two weeks from the



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date of receipt of a copy of this order. On receipt of the same, the respondent herein shall consider it, in accordance with the instructions issued by the Government in G.O.(Ms).No.81, dated 04.08.2022, and pass appropriate orders, within a period of four weeks from the date of receipt of the representation.

7. Accordingly, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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Index:Yes/No
Speaking order/Non-speaking order
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To

The Managing Director,
Tamil Nadu Civil Supplies Corporation,
10, Thambusamy Road, Chennai - 10.



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M.S.RAMESH,J.

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