



WP.No.19275 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2023

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

WP.No.19275 of 2022
and
WMP.No.18543 of 2022

M.Sridevi

...Petitioner

Vs.

1.The Additional Director
Survey and Land Records
Chepauk, Chennai - 600 005.

2.The Assistant Director
Survey and Land Records
Tiruvallur District
Tiruvallur.

3.The Thasildar
R.K.Pet Taluk
R.K.Pet
Tiruvallur District.

...Respondents

Prayer:- This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of suspension passed by the



WP.No.19275 of 2022

second respondent in R.C.No.A6/3153/2021 dated 12.10.2021 and quash the same and further directing directing the second respondent to reinstate of the petitioner in service with all service benefits.

For Petitioner : Mr.C.Samivel

For Respondents : Mr.S.Prabhakaran
Government Advocate (for R1 to R3)

ORDER

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

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



WP.No.19275 of 2022

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 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 respondents 1 and 2 herein could be directed to review the order of suspension, in accordance with the guidelines issued thereunder.



WP.No.19275 of 2022

WEB COPY

6. In the light of the above findings, there shall be a direction to the petitioner to give a fresh representation to the respondents 1 and 2 seeking for revocation of his suspension order within a period of one month from the date of receipt of a copy of this order. On receipt of such representation, the respondents 1 and 2 herein shall consider the same 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 two months therefrom.

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

14.06.2023

Index : Yes/No
pvs



WP.No.19275 of 2022

To

WEB COPY

- 1.The Additional Director
Survey and Land Records
Chepauk, Chennai - 600 005.
- 2.The Assistant Director
Survey and Land Records
Tiruvallur District
Tiruvallur.
- 3.The Thasildar
R.K.Pet Taluk
R.K.Pet
Tiruvallur District.



WEB COPY



WP.No.19275 of 2022

M.S.RAMESH.J.,

pvs

WP.No.19275 of 2022
and
WMP.No.18543 of 2022

14.06.2023