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W.P.No.19840 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.10.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.19840 of 2022
and W.M.P.Nos.19152 & 19153 of 2022

S.Gomathi

...Petitioner

Vs

1. The District Collector,
Dharmapuri District, Dharmapuri.

2. The Revenue Divisional Officer,
Dharmapuri District, Dharmapuri.

3. The Inspector of Police,
Vigilance & Anti-Corruption Department,
Dharmapuri, Dharmapuri District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, call for the records pertaining order of the 2nd respondent proceedings vide Na.Ka.3623/2016/A1, dated 09.07.2016 and consequential proceedings order Na.Ka.3623/2016/A1, dated 30.06.2022 and quash the same as illegal, improper, incompetent and ultra-virus and consequentially direct the 2nd respondent herein to reinstate the petitioner post of Village Administrative Officer, in Bandharahalli Revenue Village, Karimangalam Taluk, Dharmapuri District with all back wages.



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For Petitioner : Mr.R.Singaravelan
Senior Counsel
for Mr.C.Palanisamy

For Respondent : Mr.P.Ganesan
Government Advocate

ORDER

This writ petition is filed to quash the impugned order of the 2nd respondent in Na.Ka.3623/2016/A1, dated 09.07.2016 and the consequential proceedings order in Na.Ka.3623/2016/A1, dated 30.06.2022 and also to direct the 2nd respondent herein to reinstate the petitioner in the post of Village Administrative Officer, in Bandharahalli Revenue Village, Karimangalam Taluk, Dharmapuri District with all back wages.

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



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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 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.



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5. On consideration of these instructions in G.O.(Ms) No.81, this Court is of the view that the second 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, there shall be a direction to the second respondent herein to consider the petitioner's representation dated 30.05.2022, 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 pass appropriate orders, within a period of four weeks from the date of receipt of a copy this order.

7. Accordingly, the Writ Petition stands disposed of. No costs. Connected miscellaneous petitions are closed.

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Index: Yes/No

Speaking order/Non-speaking order

Neutral Citation: Yes/No

mp



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M.S.RAMESH,J.

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