



W.P.No.6353 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.30395 of 2022
and WMP No.29824 of 2022

D.Vasu

...Petitioner

Vs

1.The District Collector,
Ranipet District.

2.The Assistant Director (Panchayat),
Rural Development and Panchayat Raj Department,
Ranipet District.

3. The Block Development Officer,
Arcot Block, Ranipet District.

4. The President,
Puttuthakku Village Panchayat,
Arcot Block, Ranipet District

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order in Na.Kaa.Paa2/6270/2022 dated 04.11.2022 passed by the first respondent and to quash and consequently direct the respondents to reinstate the petitioner with continuity of service with all other attendant monetary benefits.



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For Petitioner : Mr.L.P.Shanmugasundaram
For Respondents : Mr.S.Rajesh
Government Advocate

ORDER

The petitioner was initially appointed as Part Time Clerk in the fourth respondent Panchayat on 01.10.2002, thereafter, he was appointed as a Panchayat Secretary on 03.10.2018 and thereafter, transferred as Panchayat Secretary to Sarvathangal Panchayat as per the transfer order issued by the third respondent dated 28.06.2022 and he was placed under suspension by the first respondent herein, through an order dated 04.11.2022, which is impugned in the present Writ Petition.

2.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

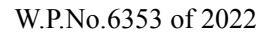


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proposition of law that an order of suspension cannot be continued beyond the period of three months on the circumstances mentioned therein and that the order of suspension should be analysed on the facts of each case, considering the gravity of charges 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.

3. 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 matters which are pending enquiry into grave charges.

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

Consequently, connected miscellaneous petition is closed.

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



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M.S.RAMESH,J.,

sr

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