



W.P.No.29370 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.29370 of 2023
and WMP No.29000 of 2023

R.Mayakannan

...Petitioner

-Vs-

- 1.The Managing Director,
Tamil Nadu State Marketing Corporation Limited,
IV Floor, CMDA Tower II,
Egmore, Chennai-8.
2. The Senior Regional Manager,
Tamil Nadu State Marketing Corporation Limited,
Salem.
3. The District Manager/Sub Collector,
Tamil Nadu State Marketing Corporation Limited,
Salem

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus to call for the records relating to the third respondent vide Proceedings No.Se.Mu.Na.Ka.No.122/2023/A.4/CV dated 12.09.2023 and to quash the same and consequently direct the third respondent to revoke the order of suspension and reinstate the petitioner in service with all attendant benefits.



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For Petitioners : Mr.S.Vijayakumar
Senior Counsel
For Mr.J.Melwin Jabaz

For Respondents : Mr.M.Sekar
Standing Counsel

ORDER

Heard Mr.S.Vijayakumar, learned counsel for the petitioner and Mr.M.Sekar, learned Standing Counsel for the respondents.

2. The petitioner was placed under suspension on 12.09.2023 in contemplation of departmental enquiry. Though the respondents claim to have framed charges against the petitioner, they have not reconsidered revocation of the suspension order after expiry of three months.

3. As per Clause 11(v) of G.O.Ms.No.81 Human Resources Management (N) Department dated 04.08.2022, the suspension order requires to be reviewed at the end of every three months, indicating the further progress, so as to enable the Government to review the suspension and the progress of the case. Such a direction has been issued in accordance with the decision of the Hon'ble Supreme Court in the case of *Ajay Kumar Choudhary v. Union of India*, reported in (2015) 7 SCC 291, in which, the dictum of the Hon'ble Supreme Court was to the effect that



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suspension order requires to be reviewed in every three months. In the instant case, admittedly, the respondent Corporation has not reviewed the suspension order.

4. It is stated by the learned Standing Counsel for the respondent Corporation that charges have been framed against the petitioner and enquiry is pending.

5. In view of the failure to review the suspension order, the suspension order itself cannot be sustained in the light of the dictum of the Hon'ble Supreme Court in the case of *Ajay Kumar Choudhary v. Union of India*, reported in (2015) 7 SCC 291 as well as G.O.Ms.No.81 Human Resources Management (N) Department dated 04.08.2022.

6. Accordingly, the impugned order or suspension dtd 12.09.2023 is hereby revoked and the writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

14.12.2023

Index:Yes
Internet:Yes
sr

M.S.RAMESH,J.,

sr



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To

WEB COPY

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