



W.P.No.31908 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.11.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.31908 of 2023

C.Bala Murali

...Petitioner

Vs

The District Educational Officer
O/o. The District Educational Officer
Hosur
Krishnagiri District

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings in ROC.No.0175/A1/2018 dated 05.02.2018 on the file of the respondent herein, quash the same and consequently direct the respondent to reinstate the petitioner in service forthwith in the light of the decision of the Hon'ble Supreme Court in State of Tamil Nadu Vs. Pramod Kumar, IPS in Civil Appeal No.8427 & 8428 of 2018 dated 21.08.2018 within a time limit to be specified by this Court.

For Petitioner : Mr.M.Sasikumar
For Respondent : Mr.VPR.Elamparathi
Additional Government Pleader



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ORDER

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This writ petition is filed to quash the impugned order of the respondent in ROC.No.0175/A1/2018, dated 05.02.2018 and consequently direct the respondent to permit the petitioner to reinstate the petitioner in service forthwith.

2. On the ground of prolonged suspension, the petitioner seeks for interference to the suspension order through the present Writ Petition.

3. Though the petitioner has sought for quashing the suspension order, learned counsel for the petitioner submitted that he will be satisfied if the respondent reviews the order of suspension for the purpose of revocation.

4. 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



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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.

5. 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.

6. 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.



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7. In the light of the above findings, there shall be a direction to the respondent herein to consider the petitioner's representation dated 05.10.2021, 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 two weeks from the date of receipt of a copy this order.

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

07.11.2023

Index: Yes/No
Speaking order/Non-speaking order
Neutral Citation: Yes/No
gpa

To

The District Educational Officer
O/o. The District Educational Officer
Hosur
Krishnagiri District



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M.S.RAMESH,J.

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