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W.P.No.33201 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.11.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.33201 of 2023
and W.M.P.Nos.32908, 32910 & 32912 of 2023

S. Ashabee,
Assistant Agriculture Officer, Veeranamur,
O/o. The Assistant Director of Agriculture,
Vallam Block,
Gingee Taluk, Villupuram District – 604 206. ... Petitioner

Vs.

- 1.The Agricultural Production Commissioner
and Secretary to Government,
Agriculture and Farmers Welfare (AA5) Department,
Secretariat, Fort St. George,
Chennai – 600 009.
- 2.The Director of Agriculture and
Farmers Welfare Department,
No.1, Walajah Road, PWD Estate,
Chepauk, Chennai – 600 005.
- 3.The Joint Director of Agriculture,
Master Plan Complex,
Vazhuthareddy,
Villupuram – 605 602. ... Respondents



W.P.No.33201 of 2023

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the Director of Agriculture, Chepauk, Chennai, the 2nd respondent made in Proceedings No.DCS1/1/73538/2020 dated 28.08.2020 and the order issued by the Agricultural Production Commissioner and Secretary to Government, Chennai – 600 009, the first respondent herein in G.O.(3D).No.94, Agriculture and Farmers Welfare (AA5) Department dated 06.09.2021, quash the same and pass orders that the petitioner is deemed to have been reinstated in service as Assistant Agriculture Officer in Villupuram District with effect from the date of passing of the order in the above Writ Petition and the petitioner is entitled to receive her due salary from the date of passing of the order in the Writ Petition with all other consequential service and monetary benefits within a short date that may be fixed by this Court.

For Petitioner : Mr.K. Rajkumar

For Respondents : Mrs.V. Yamuna Devi,
Special Government Pleader

ORDER

With the consent of both the parties, this Writ Petition is taken up



W.P.No.33201 of 2023

for final disposal at the admission stage itself.

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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 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



W.P.No.33201 of 2023

endorsed or directed as a matter of course.

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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 inquiry into grave charges.

5. 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. In the light of the above findings, there shall be a direction to the respondents herein to consider the petitioner's representation dated 08.09.2022, 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 (4)



W.P.No.33201 of 2023

weeks from the date of receipt of a copy this order.

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

Connected miscellaneous petitions are closed.

24.11.2023

Index: Yes/No

Speaking order/Non-speaking order

Internet: Yes/No

Neutral Citation: Yes/No

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To

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and Secretary to Government,
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Secretariat, Fort St. George,
Chennai – 600 009.

2. The Director of Agriculture and
Farmers Welfare Department,
No.1, Walajah Road, PWD Estate,
Chepauk, Chennai – 600 005.

3. The Joint Director of Agriculture,
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W.P.No.33201 of 2023

M.S.RAMESH,J.

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W.P.No.33201 of 2023

24.11.2023