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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.12.2023

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.33787 of 2023

K.Senthil Kumar

... Petitioner

Vs.

1. The Managing Director,
Tamil Nadu State Marketing Corporation Limited (TASMAC),
CMDA Tower – II, 4th Floor,
Egmore, Chennai – 8.

2. The Senior Regional Manager,
Tamil Nadu State Marketing Corporation Ltd., (TASMAC),
Salem, Salem District.

3. The District Manager,
Tamil Nadu State Marketing Corporation Ltd., (TASMAC),
Arakkonam, Ranipet District.

... Respondents

Prayer: Writ Petition has been filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 11.09.2023 and thereby direct the respondents to reinstate the petitioner into service since 07.09.2023 with all service benefits and backwages to the petitioner herein.

For Petitioner : Mr.B.Sundarapandiyan

For Respondents : Mr.K.Balakrishnan,
Standing Counsel



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ORDER

Heard Mr.B.Sundarapandiyan, learned counsel for the petitioner and Mr.K.Balakrishnan, learned Standing Counsel appearing for the respondents.

2. The petitioner was placed under suspension on 07.09.2023 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 suspension order requires to be reviewed in every three months. In the instant case, admittedly, the respondent Corporation has not reviewed the suspension order.



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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 dated 07.09.2023 is hereby revoked and the Writ Petition stands allowed. No costs.

12.12.2023

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Index : Yes / No

Neutral Citation : Yes / No

Speaking order / Non-speaking order



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To

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M.S.RAMESH, J.

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