



W.P.No.34574 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.34574 of 2023

C.Ravi

...Petitioner

Vs

The State of Tamil Nadu rep. By its Secretary
Adi Dravidar & Tribal Welfare Department
Fort St.George, Chennai – 600 009

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to pass orders on the representation dated 15.05.2023 and 21.09.2023 seeking revocation of suspension made in G.O (D) No.47, Adi Dravidar and Tribal Welfare (OP-1) Department dated 06.03.2023 by reviewing the same on merits and as per Government Order within a time to be stipulated by this Court.

For Petitioner : Mr.L.Chandrakumar

For Respondent : Mrs. V. Yamuna Devi
Special Government Pleader



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ORDER

With the consent of both the parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

2. On the ground of prolonged suspension, the petitioner seeks for a direction to the respondent to consider the representations of the petitioner dated 15.05.2023 and 21.09.2023 seeking revocation of the suspension order dated 06.03.2023.

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



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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.

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 respondent 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



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respondent herein to consider the petitioner's representation dated 15.05.2023 and 21.09.2023, 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) weeks from the date of receipt of a copy this order.

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

Connected miscellaneous petition is closed.

13.12.2023

Index:Yes/No

Speaking order/Non-speaking order

gpa

Note to office: Issue order copy on 15.12.2023

To

The Secretary

Adi Dravidar & Tribal Welfare Department

Fort St.George, Chennai – 600 009



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M.S.RAMESH,J.

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