



W.P.No.35410 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2023

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.35410 of 2023

S. Vellaiyadevan

... Petitioner

Vs.

- 1.The Director,
Department of School Education,
DPI Campus,
Chennai – 600 006.
- 2.The Joint Director,
Department of Higher Secondary School Education,
DPI Campus,
Chennai – 600 006.
- 3.The Chief Educational Officer,
Cuddalore District – 607 001.
- 4.The District Educational Officer,
Virudhachalam,
Cuddalore District – 607 001.
- 5.The Head Master,
Government Higher Secondary School,
Karuveppilankurichi,
Cuddalore District.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 2nd and 3rd respondents to consider the representation dated 27.10.2023 and direct the 2nd and 3rd respondents to revoke the suspension order in Rc.No.11570/A3/2023 datd 31.08.2023 and reinstate in service.

For Petitioner : Mr.M. Jothikumar

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

ORDER

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

2. With regard to the prolonged suspension, the petitioner has given representation dated 27.10.2023 to reinstate him into service by revoking the suspension order.

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



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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 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.



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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 second and third respondents herein to consider the petitioner's representation dated 27.10.2023, seeking for reinstatement by revoking 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 (2) weeks from the date of receipt of a copy this order.

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

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Speaking/Non-speaking order
Index: Yes/No
Internet: Yes/No



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M.S.RAMESH,J.

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