



W.A.No.2247 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.10.2024

CORAM :

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.A.No.2247 of 2024 and

CMP No.15805 of 2024

1. The Inspector General of Registration,
100, Santhome High Road,
Chennai 600 028.

2. The District Registrar, Administration,
Nerperuchal, Tiruppur,
Tiruppur District.

... Petitioners

Vs.

P.Panneerselvam
Respondent

...

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent to set aside the order dated 28.11.2023 made in W.P.No.7487 of 2022 and allow this writ appeal

For the Petitioners

: Mr.B.Vijay,
Additional Government Pleader



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For the Respondent : Mr.G.Thangavel

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JUDGMENT

(Order of the Court was delivered by D.KRISHNAKUMAR, J.)

Assailing the order passed by the learned single Judge in W.P.No.7487 of 2022, dated 28.11.2023, directing the government/appellants herein to reinstate the respondent/writ petitioner, back into service, the instant writ appeal has been filed.

2. The respondent herein was placed under suspension by the department, vide order dated 15.12.2020 and it was challenged before the writ court. Learned single judge, has revoked the said suspension order and consequently, directed the appellants herein to reinstate the respondent into service.

3. This matter was listed today for extension of interim order. However by consent of both the counsel, this matter is taken up for final disposal.

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4. According to the appellants, learned single Judge, by relying upon the decision of the Hon'ble Supreme Court in *Ajay Kumar Choudhary Vs. Union of India, reported in 2015 7 SCC 291*, has passed the impugned order; however has not considered the order passed by the Full Bench of this court in *W.P.No.2165 of 2015 and 21628 of 2018, dated 15.03.2022 (P.Kannan Vs. Commissioner of Municipal Administration, Chepauk, Chennai and others)*, on the reference made on account of two conflicting judgments delivered by the Division Benches on a challenge to the order of suspension.

5. The Full Bench of this Court has passed the order in the case of *Kannan* as stated supra, which is extracted here under:-

- (i) The judgment of the Apex Court in the case of *Ajay Kumar Choudhary*, supra, does not lay down absolute proposition of law that an order of suspension cannot be continued beyond the period of three months if the memorandum of charges/ charge sheet has not been served within three months, or if memorandum of charges/charge-sheet is served without reasoned order of extension.



(ii) The judgment in **R.Balaji**, supra, has no reference to the earlier judgments of co-equal strength and is thereby rendered *per incuriam*.

(iii) The issue of challenge to the order of suspension should be analyzed on the facts of each case, considering the gravity of the charges and the rules applicable.

(iv) Revocation of suspension with a direction to the employer to post the delinquent in a non-sensitive course. It has to be based on the facts of each case and after noticing the reason for the delay in serving the memorandum of charges/charge-sheet.

6. Considering the facts and circumstances of the case, this court has granted interim stay in the instant appeal.

7. Learned Additional Government Pleader appearing for the appellants, on instruction, submitted that, as against charges levelled against the respondent, enquiry was conducted and it was completed and the enquiry report was also made ready for placing before the disciplinary authorities. He further submitted that, if any direction is passed by this court to the authorities concerned to conclude the disciplinary proceedings and to pass appropriate orders, the same will be complied with by the



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Department.

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8. Learned counsel for the respondent/writ petitioner also submitted that, in view of the suspension order, the petitioner has been suffering for more than two years, and hence he seeks direction to the Department to conclude the disciplinary proceedings at the earliest.

9. Considering the submission made by the learned counsel on either side, we dispose of the writ appeal as follows.

- i) The impugned order passed by the learned Single Judge is set aside.
- ii) The first respondent is directed to conclude the disciplinary proceedings and to pass final orders, by following the procedure as contemplated under the relevant rules, as early as possible, within a period of twelve weeks from the date of receipt of a copy of this order.

10. With the above direction, this writ appeal is disposed of. There shall be no order as to costs. Connected CMP No.15805 of 2024 is closed.

(D.K.K.J.) (P.B.B.J.)

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