



W.P.No.6610 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.6610 of 2024

and

W.M.P.Nos. 7333 & 7334 of 2024

G.Singaravelu

...Petitioner

-Vs-

1.The District Collector,
Thiruvarur District, Thiruvarur.

2.The Revenue Divisional Officer,
Mannarkudi,
Thiruvarur District, Thiruvarur.

3.The Tahsildar,
Thiruthuraipondi,
Thiruvarur District, Thiruvarur.

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order dated 30.05.2017 made in Na/Ka/825/2013 A2 passed by the third respondent and quash the same and consequently direct the respondents to pay and settle the entire service benefits with interest at the rate of 18% per annum.



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W.P.No.6610 of 2024

For Petitioner : Mr.V.R.Kamalanathan
For Mr.V.Shanmuga Sundar

For Respondents : Mr.E.Vijay Anand
Additional Government Pleader

ORDER

This Writ Petition has been filed challenging the order of suspension dated 30.05.2017 passed by the third respondent, thereby the petitioner was placed under suspension on the date of his superannuation.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner had joined as a Village Assistant on 26.10.1983. He was suspended from service by the second respondent under Rule 17(e)(2) of the Tamil Nadu Civil Service Disciplinary Rules. Subsequent to the order of suspension, the petitioner was also served with a disciplinary proceedings alleging that he connived with the Village Administrative Officer for the preparation of the list of beneficiaries eligible for drought relief for agriculture. Thereafter, no enquiry was conducted and the petitioner was placed under suspension continuously till his date of superannuation. Once again on the date of superannuation, i.e., on 30.05.2017, he was placed under suspension.



W.P.No.6610 of 2024

4. Pending disciplinary proceedings, a criminal case was also registered by the Vigilance and Anti Corruption Wing in Crime No.2 of 2017. However, the petitioner has not been implicated as an accused. So far, no charge sheet has been laid in the criminal case. Further, disciplinary proceedings have not been completed and so far no final order has been passed. For the past eleven years, the petitioner has suffering with the order of suspension and he was also not allowed to retire from service. Therefore the prolonged suspension cannot be sustained for ever.

5. 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 this Court, 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



W.P.No.6610 of 2024

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.

6. In line with the orders passed by the Hon'ble Supreme Court of India, 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 enquiry into grave charges.

7. 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.

8. In view of the above, the impugned order dated 30.05.2017 in Na/Ka/825/2013 A2 passed by the third respondent cannot be sustained and it is liable to be quashed. Accordingly, it is hereby quashed. The respondents 1 and 2 are directed to permit the petitioner to retire from his service on the date of his superannuation subject to the result of the criminal case and the disciplinary proceedings. It is needless



W.P.No.6610 of 2024

to say that the petitioner is also entitled for all monetary benefits and other attendant benefits in lieu of his retirement service.

9. In the result, this Writ Petition stands allowed.

Consequently, connected miscellaneous petitions are closed. No costs.

15.03.2024

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

Neutral Citation : Yes/No

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To

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G.K.ILANTHIRAIYAN. J,

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