



W.P.(MD).No.12926 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.06.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.12926 of 2024

and

W.M.P.(MD)No.11481 of 2024

Ganesan

...Petitioner

Vs

The Tahsildar,
Kumbakonam,
Thanjavur District.

...Respondent

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order of suspension issued by the respondent in his proceedings in Na.Ka.No.5367-2023-A4, dated 05.06.2023 and quash the same as illegal and consequently directing the respondent to reinstate the petitioner into service with back wages within the time stipulated by this Court.

For Petitioner : Mr.S.Sathya Chidambaram

For Respondent : Mr.M.Lingadurai
Special Government Pleader



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W.P.(MD).No.12926 of 2024

ORDER

Heard Mr.S.Sathya Chidambaram, learned counsel for the petitioner and Mr.M.Lingadurai, learned Special Government Pleader for the respondents.

2. The petitioner who kept under suspension on 05.06.2023 has filed this Writ Petition seeking to quash the order of suspension and direct the respondent to reinstate the petitioner into service with back wages.

3. On perusal of the impugned order of suspension, it is seen that the petitioner was kept under suspension in view of his arrest in a criminal case on 02.06.2023 and was remanded thereafter. It is seen that the petitioner involved in a criminal case and FIR was registered in Crime No.288 of 2023 for the offences under Sections 294(b), 353, 4(1)(a), 4(1)(k), 4(1)(i) and 24 of the Tamil Nadu Prohibition Act.



W.P.(MD).No.12926 of 2024

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4. No doubt, the petitioner's suspension continues for more than three months, so far the petitioner has not been furnished with any charge memo and it is completely in violation of the dictum laid by the Hon'ble Supreme Court in the case of *Ajaykumar Choudhary Vs Union of India* reported in *(2015) 3 CTC 119 (SC)*, wherein every suspension order has to be periodically reviewed and the order cannot be extended beyond three months without even issuing any charge memo for further proceedings.

5. It is to be noted that the petitioner has not involved in any Department of Vigilance and Anti Corruption case. In fact consequent to the judgment rendered by the Hon'ble Supreme Court in *Ajaykumar Choudhary Vs Union of India*, the Government itself has issued a Government Order in G.O.(Ms)No.81 Human Resources Management (N) Department dated 04.08.2022 framing guidelines stating that if the Government servant has been kept under suspension and the disciplinary proceedings is contemplated, such proceedings should be initiated and finalized immediately within a period of 6 months. In the instant case,



W.P.(MD).No.12926 of 2024

neither the disciplinary proceedings have been initiated nor any order has been passed by re-appreciating the circumstances to continue to place the petitioner under suspension.

6. In view of the above stated reasons, this Writ Petition is **allowed** and the impugned order dated 05.06.2023 is set aside. The petitioner is entitled to the relief as claimed for. The respondent is directed to reinstate the petitioner into service with back wages within a period of one week from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

18.06.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr



W.P.(MD).No.12926 of 2024

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W.P.(MD).No.12926 of 2024

R.N.MANJULA, J.

Nsr

W.P.(MD).No.12926 of 2024

18.06.2024