



WA(MD)No.2427 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.12.2024

CORAM :

**THE HONOURABLE MR.JUSTICE M.S.RAMESH
and
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

**WA(MD)No.2427 of 2024
and
CMP(MD)Nos.16863 and 16864 of 2024**

R.Rajendran

... Appellant

vs.

1. The District Collector,
Madurai District,
Madurai.

2. The Personal Assistant (Development) to the District Collector,
Madurai District, Madurai.

3. The Block Development Officer (Panchayats),
Thirupparankundram Panchayat (Union),
Thirunagar, Madurai – 625 006.

4. The President,
Nedumadurai Village,
Thirupparankundram Panchayat (Union)
Thirunagar, Madurai 625 006.

... Respondents

Prayer : Appeal filed under Clause 15 of the Letters Patent, against the order dated 24.10.2024 made in W.P(MD)No.24120 of 2024.

For Appellant : Mr.K.K.Kannan
For R1 to R3 : Mr.SRA.Ramachandran
Additional Government Pleader



WA(MD)No.2427 of 2024

JUDGMENT

(Judgment of the Court was made by **M.S.RAMESH, J.**)

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This writ appeal is directed against the order dated 24.10.2024 made in W.P(MD)No.24120 of 2024.

2. By order dated 27.12.2022 of the 2nd respondent, the appellant / writ petitioner was placed under suspension. Thereafter, a charge memo was issued to him on 24.02.2023.

3. Challenging the suspension order, when the writ petition was filed in W.P(MD)No.24120 of 2022, a learned Single Judge of this Court had disposed of the same without interfering with the order of suspension, but by directing the appellant / writ petitioner to submit his explanation to the levelled charges within a stipulated period.

4. We find from the order of the Writ Court that the legal position with regard to prolonged suspension has not been addressed. The Hon'ble Supreme Court in *Ajay Kumar Choudhary vs. Union of India* reported in **(2015) 7 SCC 291**, had held that in all cases of prolonged suspension, whenever a charge memo / charge sheet is not issued / filed within a period of



WA(MD)No.2427 of 2024

three months, the suspension order itself cannot be sustained thereafter. In cases where the charge memo / charge sheet is not issued / filed within a period of three months, it was held therein, that the disciplinary authority is mandated to review the suspension order as to whether it requires continuance and pass a reasoned order.

5. In line with the decision of the Apex Court in *Ajay Kumar Choudhary's case*, this Court in several of its decisions had interfered with the suspension orders that were continued after three months. Ultimately, the Government in G.O(Ms)No.81, Human Resources Management(N) Department, dated 04.08.2022, had adopted the findings of the Hon'ble Supreme Court in *Ajay Kumar Choudhary's case* and had laid down guidelines. The guidelines were also in line with the said decision of the Hon'ble Supreme Court, by which, the review of the suspension order, for the purpose of its continuance was mandated.

6. Admittedly, in the instant case, there was no review after a period of three months, that is, after 27.03.2023. As a matter of fact, even after almost two years, the disciplinary authority has not chosen to revisit the suspension order, but has kept the appellant under suspension over these years.



WA(MD)No.2427 of 2024

7. In the light of the decision of the Hon'ble Supreme Court in *Ajay Kumar Choudhary's case*, the prolonged suspension would be bad in the eye of law. The learned Single Judge has, however, not taken these legal aspects into consideration and therefore, the order cannot be sustained.

8. Accordingly, the impugned order of the Writ Court dated 24.10.2024, made in W.P(MD)No.24120 of 2024, and the suspension order dated 27.12.2022 passed by the 2nd respondent are quashed. Consequently, the respondents herein are called upon to forthwith reinstate the appellant / writ petitioner back into service, in any event within a period of one week from the date of receipt of a copy of this judgment.

9. With the above direction, the Writ Appeal stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

(M.S.R, J.) (A.D.M.C, J.)
03.12.2024

Index : Yes / No
Neutral Citation : Yes / No
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WA(MD)No.2427 of 2024

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