



WEB COPY



W.P.No.30520 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.08.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 30520 of 2025

A.Chinnaswamy

...Petitioner

Vs.

1.The District Collector,
(Development)
Salem,
Salem District.

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

3.The Block Development Officer,
Thalaivasal Panchayat Union,
Thalaivasal Taluk,
Salem District.

...Respondents

Prayer: Writ Petition is filed under Section 226 of the Constitution of India for issue of Writ of Mandamus, directing the 2nd respondent to review the suspension order vide Na.Ka.No.27364/2022/Thi3 dated



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20.09.2022 as per the Government Order vide GO.Ms.No.81, Human Resources Management (N) Department, dated 04.08.2022 and by considering the representation dated 17.07.2025 made by the petitioner.

For Petitioner : Mr. C.Vediappan
For Respondents : Mr. G.Nanmaran
1 & 2 Special Government Pleader
For Respondent 3: Mr. Prasanth Kiran
Government Advocate.

ORDER

The Writ Petition is filed for the following relief:

“directing the 2nd respondent to review the suspension order vide Na.Ka.No.27364/2022/Thi3 dated 20.09.2022 as per the Government Order vide GO.Ms.No.81, Human Resources Management (N) Department, dated 04.08.2022 and by considering the representation dated 17.07.2025 made by the petitioner”.



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

3. On the ground of prolonged suspension, the petitioner seeks for interference to the suspension order through the present Writ Petition.

4. The Hon'ble Supreme Court in the case of ***Ajay Kumar Choudhary Vs. Union of India reported in 2015 (7) SCC 291*** had set certain guidelines with regard to prolonged suspension. 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,



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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.

5. 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 GO.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.

6. On consideration of these instructions in GO.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.



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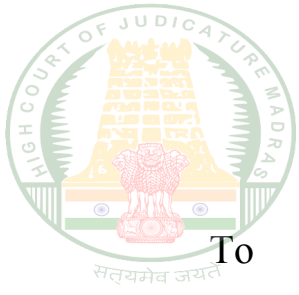
7. In the light of the above findings, there shall be a direction to the 2nd respondent herein, to consider the petitioner's representation dated 17.07.2025 seeking for reinstatement in accordance with the instructions issued by the Government in GO.Ms.No.81 dated 04.08.2022 and pass appropriate orders within a period of 2 months from the date of receipt of a copy of this order.

8. The Writ Petition is allowed with the above lines. No cost.

14.08.2025

Index : Yes/No
Internet : Yes/No

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