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W.P.No. 34454 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.09.2025

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THE HONOURABLE Mr. JUSTICE A.D. JAGADISH CHANDIRA

W.P.No. 34454 of 2025

A.Prakash

...Petitioner

Vs.

1.Director of Horticulture and Plantation Crops,
Chepauk,
Chennai - 600 505.

2.The Deputy Director of Horticulture,
Jagir Ammapalayam,
Salem District - 636 302.

3.Assistant Director of Horticulture,
Tharamangalam.

...Respondents



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Prayer: Petition is filed under Article 226 of the Constitution of India, seeking Writ of Mandamus, direct the respondent to review / reconsider the suspension order issued and revoke the same and reinstate petitioner in service as Assistant Horticulture Officer.

For Petitioner : M/s. Selvi George

For Respondents : Mr. R.U.Dinesh Raj Kumar
Additional Government Pleader.

ORDER

The Writ Petition is filed for the relief of a Mandamus, directing the respondent to review / reconsider the suspension order issued and revoke the same and reinstate the petitioner in service as an Assistant Horticulture Officer.

2. It is the case of the petitioner that he was arrested in a



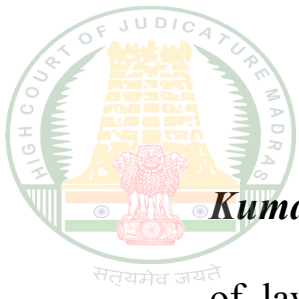
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Vigilance Case registered by the Department of Vigilance and Anti corruption on 07.06.2019, pursuant to which a suspension order was issued on 08.06.2019. The petitioner would submit that even after a lapse of several years, the suspension order has not been revoked or reviewed by the Department. Therefore, the petitioner has sent a representation to the 2nd respondent on 09.11.2024 requesting him to reconsider the suspension order. However, there is no response from the 2nd respondent. Therefore, the petitioner has approached this Court.

3. Heard the learned counsels on the either side and perused the records.

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***



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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 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 respondent herein could be directed to



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review the order of suspension in accordance with the guidelines issued thereunder.

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7. Accordingly, a direction is issued to the 2nd respondent to consider the representation of the petitioner dated 09.11.2024, in the light of the Government Order in GO.Ms.No.81, Human Resources Management (N) Department, Dated 04.08.2022, within a period of 6 weeks from the date of receipt of a copy of this order. It is made clear that this Court has not made any observation with regard to the merits of the case.

8. The Writ Petition stands disposed of. No costs.

12.09.2025

Index : Yes/No
Internet : Yes/No
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