



WA(MD). No.124 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 24/01/2025

CORAM

THE HONOURABLE MR.JUSTICE M.S. RAMESH
AND
THE HONOURABLE Dr.JUSTICE A.D.MARIA CLETE

WA(MD). No.124 of 2025

C.Tamilpandian

... Appellant

Vs

The Revenue Divisional Officer,
Ramanathapuram Division
Ramanathapuram District

... Respondent

PRAYER :- Writ Appeal filed under Clause 15 of Letters patent against the order of this Court dated 05.11.2024 in WP(MD). No. 14857/2024.

For Appellant : Mr.T.Kumar

For Respondent : Mr.S.Shaji Bino
Special Government Pleader



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JUDGMENT

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

By consent of both sides, the writ appeal itself is taken up for final disposal at the stage of admission itself.

2. The writ appeal is directed against the order of the writ Court dated 05.11.2024 in WP(MD) No.14857/2024

3. Challenging the suspension order dated 18.11.2022, the writ petitioner/appellant had filed a writ petition in WP(MD) No.14857/2024 on the ground of prolonged suspension. The learned counsel for the appellant/petitioner submitted that for the past two years, the respondent has neither framed any charges against the petitioner nor has reviewed the suspension order. The learned Single Judge had also referred to this fact in Paragraph No.8 of the order that the department is only taking steps for initiation of departmental proceedings.



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4. Per contra, the learned Special Government Pleader would submit that since the writ petitioner herein was involved in a criminal case, decision in *Ajay Kumar Choudhary v. Union of India, (2015) 7 SCC 291* will not apply.

5. The Hon'ble Supreme Court in the case of *Ajay Kumar Choudhary* had held that there shall be a periodical review of suspension in cases of prolonged suspension. The dictum in *Ajay Kumar Choudhary's* case came to be adopted by the Government in G.O.Ms.No. 81, Human Resources Management (N) Department, dated 04.08.2022. However, the Full Bench of this Court in *P.Kannan Vs The Commissioner for Municipal Administration and others (W.P.Nos. 2165 of 2015 and 21628 of 2018, dated 15.03.2022)* has held that the dictum in *Ajay Kumar Choudhary* may not be applicable to cases where the Government employee is involved in a criminal case. However, in the same judgment, it has also been held that every case should be considered on its own merits also. In *Ajay Kumar Choudhary's* case, among other directions, the Supreme Court has also held that in all cases of prolonged suspension, the department shall periodically review as to



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whether the suspension should be continued or not. In the same judgment, it was also held that in cases where the department find that the suspension can be revoked, it would always be open to them to post the concerned Government employee in a non sensitive post. This aspects came to be adopted by the Government in G.O.Ms.No.81.

6. In *P.Kannan's case (supra)*, the Full Bench has also held that each and every case is required to be considered on the facts of the case, after analyzing the reasons and delay in serving the memorandum of charges. In the instant case, though the suspension order was passed way back on 18.11.2022, no charges have been framed till date. This apart, the respondent has also not reviewed as to whether the suspension should be continued or not.

7. In the light of these facts, we are of the firm view that the suspension order would be revoked and the learned single Judge, had merely referred to the criminal case pending against the petitioner herein and had rejected the prayer seeking for revocation of suspension order.



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8. In the light of the above findings, the order passed by the writ Court may warrant interference. Accordingly, the order in WP(MD) No. 14857/2024 dated 05.11.2024 stands quashed and the writ appeal stands allowed. No costs.

[M.S.R.,J]

[A.D.M.C.,J]

24.01.2025

NCC : Yes/No

Index : Yes/No

RR

TO

The Revenue Divisional Officer,
Ramanathapuram Division
Ramanathapuram District



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**M.S.RAMESH,J
AND
A.D.MARIA CLETE, J.**

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**ORDER
IN
WA(MD) No.124 of 2025**

Date : 24/01/2025