



W.A.(MD)No.1595 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 12.06.2026

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MS.JUSTICE R.POORNIMA**

**W.A.(MD)No.1595 of 2021
and
C.M.P.(MD)No.6778 of 2021**

- 1.The Principal Secretary/Commissioner of
Treasuries and Accounts,
Integrated Complex for Finance Department,
3rd Floor, Veterinary Hospital Campus,
Anna Salai, Nandanam, Chennai - 600 035.
 - 2.The Treasury Officer,
District Treasury,
Ramanathapuram.
- ... Appellants

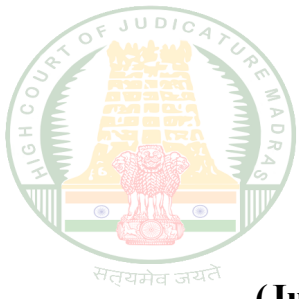
Vs.

K.Kalanjiarani

... Respondent

Prayer : Writ Appeal filed under Clause XV of Letters Patent, to allow the writ appeal by setting aside the order passed in W.P.(MD).No.10073 of 2021 dated 09.07.2021 on the file of this Court.

For Appellants : Mr.L.Siva,
Government Advocate.
For Respondent : Mr.S.Visvalingam



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JUDGMENT

(Judgment of the Court was delivered by G.R.Swaminathan, J.)

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The department has filed this intra-Court appeal challenging the order dated 09.07.2021 passed by the learned Single Judge granting relief to the writ petitioner in W.P.(MD)No.10073 of 2021.

2.The writ petitioner was working as an Accountant in the District Treasury, Ramanathapuram. She was implicated in a trap case. Crime No.7 of 2020 was registered in the Vigilance and Anti-Corruption, Ramanathapuram. She was placed under suspension vide order dated 20.11.2020. Seeking revocation of the same, she submitted a representation. Her request was rejected by order dated 18.03.2021. Challenging the same, W.P.(MD)No.10073 of 2021 came to be filed. The learned Single Judge placing reliance on the decision of the Hon'ble Supreme Court reported in **(2015) 7 SCC 291 (Ajay Kumar Choudhary Vs. Union of India)**, set aside the order impugned in the writ petition and directed her reinstatement.

3.The question that calls for consideration is whether the said order is liable to be interfered with.



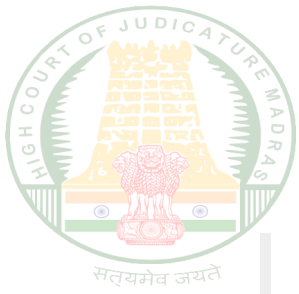
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4.The Hon'ble Full Bench of this Court vide order dated 15.03.2022 in W.P.(MD)Nos.2165 of 2015 and 21628 of 2018 (P.Kannan Vs. The Commissioner for Municipal Administration, Municipal Administration Commission, Ezhilagam Annexure - 6th Floor, Chepauk, Chennai -5) had clarified the manner in which **Ajay Kumar Choudhary's** decision has to be applied. The relevant portion is as follows:-

“34.For the foregoing reasons, the reference is answered by holding that:

- (i) The judgment of the Apex Court in the case of **Ajay Kumar Choudhary**, supra, does not lay down absolute proposition of law that an order of suspension cannot be continued beyond the period of three months if the memorandum of charges/charge-sheet has not been served within three months, or if memorandum of charges/charge-sheet is served without reasoned order of extension.*
- (ii) The judgment in R.Balaji, supra, has no reference to the earlier judgments of co-equal strength and is thereby rendered per incuriam.*
- (iii) The issue of challenge to the order of suspension should be analyzed on the facts of each case, considering the gravity of the charges and the rules applicable.*



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(iv) Revocation of suspension with a direction to the employer to post the delinquent in a non-sensitive post cannot be endorsed or directed as a matter of course. It has to be based on the facts of each case and after noticing the reason for the delay in serving the memorandum of charges/charge-sheet. The Registry is directed to place the papers before the roster Bench for disposal of the writ petitions.”

5.In view of the decision of the Hon'ble Full Bench, the impugned order has to be set aside. It is also relevant to note that the writ petitioner has subsequently been dismissed from service vide order dated 22.05.2026. It is accordingly set aside and the writ appeal is allowed. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.S. J.) & (R.P. J.)
12.06.2026

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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