



253

Personnel and Administrative
Reforms (N) Department,
Secretariat,
Chennai - 600 009.
மன்மத வடும் துடி - 07
திருவள்ளூர் துக்கு 2046

Letter No.13519 / N / 2015 - 1, dated 23.07.2015

From
Thiru. P.W.C. Davidar, I.A.S.,
Principal Secretary to Government.

To
All Principal Secretaries to Government,
All Departments of Secretariat
All Heads of Departments



Sir / Madam,

Sub : Limitation fixed on the period of suspension - Order of the
Hon'ble Supreme Court of India in Ajay Kumar Choudhary Vs
Union of India through its Secretary & ANR in Civil Appeal
No.1912 of 2015 (Arising out of SLP (C) No.31761 of 2013)
dated 16.02.2015.

Ref : 1. G.O.(Ms) No.40, P&AR(N) Department, dated 30.01.1996.
2. Letter received from Additional Advocate General - V,
High Court, Chennai - 104, R.O.C.No.53/2015, dated 25.03.2015.

Kind attention is invited to G.O. Ms. No.40, Personnel and Administrative
Reforms (N) Department, dated 30.01.1996, wherein time limit for finalisation of
disciplinary cases and instructions on revocation of suspension have been issued in detail.

2. The Additional Advocate General - V for Government of Tamil Nadu in the
reference 2nd cited has enclosed a copy of Supreme Court order in Ajay Kumar
Choudhary Vs Union of India through its Secretary and ANR in Civil Appeal No.1912 of
2015 (Arising out of SLP (C) No.31761 of 2013) dated 16.02.2015, where in the Hon'ble
Supreme Court of India has observed that,

"We are spurred to extrapolate the quintessence of the proviso of Section
167(2) of the Cr.P.C.1973 to moderate Suspension Orders in cases of
departmental / disciplinary inquiries also. It seems to us that, if Parliament
considered it necessary that a person be released from incarceration after the
expiry of 90 days even though accused of commission of the most heinous
crimes, a fortiori suspension should not be continued after the expiry of the
similar period especially when a Memorandum of Charges / Chargesheet

has not been served on the suspended person. It is true that the proviso to Section 167(2) Cr.P.C. postulates personal freedom, but respect and preservation of human dignity as well as the right to a speedy trial should also be placed on the same pedestal.

.....We recognize that previous Constitution Benches have been reluctant to quash proceedings on the grounds of delay, and to set time limits to their duration. However, the imposition of a limit on the period of suspension has not been discussed in prior case law, and would not be contrary to the interests of justice. Furthermore, the direction of the Central Vigilance Commission that pending criminal investigation departmental proceedings are to be held in abeyance stands superseded in view of the stand adopted by us".

3. In view of the above, the Hon'ble Supreme Court of India while fixing limitation on the period of suspension directed that

- i. The currency of a suspension order should not extend beyond three months if within this period the Memorandum of Charges / Chargesheet is not served on the delinquent officer / employee;
- ii. If the Memorandum of Charges / Chargesheet is served a reasoned order must be passed for the extension of the suspension.

The Departments of Secretariat and Heads of Departments are therefore requested to follow the directions ordered by the Hon'ble Supreme Court of India on the limitations in the period of suspension in letter and spirit.

Yours faithfully,

Sd/-

for Principal Secretary to Government

Encl R MS 19164 dt. 29.9.2015

Copy communicated to all the District Officers

at Tiruchirappalli District for information and a request to follow the directions of the Hon'ble Supreme Court of India

District Court,

Tiruchirappalli

09-30-9-2015

Dr. 266

30/09/15

Principal District Judge
Tiruchirappalli.

30.9.15