

WA No. 801 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-06-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

**WA No. 801 of 2026 AND
CMP NO. 8454 OF 2026**

1. The Secretary to Government
Commercial Taxes and Registration
Department, Secretariat, Chennai-09.
2. The Inspector General of Registration
Office of the Inspector General of Registration,
100, Santhome High Road, Mylapore,
Chennai-04.

..Appellants

Vs

R.Ravindranath
S/o. G.Ramasamy,
Deputy Inspector General of Registration,
(Under Suspension), Formerly Deputy Inspector
General of Registration Salem.

..Respondent

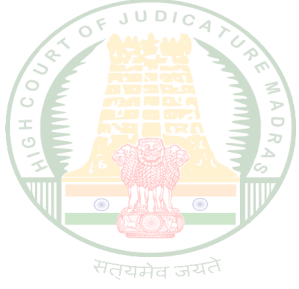
Prayer : Writ Appeal under Clause XV of the Letters Patent to set aside the
Order dated 25.11.2025 made in WP No. 38990 of 2025.

For Appellants :

Mr.T.Gowthaman,
Additional Advocate General

For Respondent :

Mr.S.Ravindran, Senior Counsel for
Mr.M.Elumalai for Sole Respondent



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Judgment**(Judgment of the Court was delivered by S.M.Subramaniam J.)**

Under assail is the writ order dated 25.11.2025 made in W.P.No.38990 of 2025.

2. The State preferred the present intra court appeal under Clause XV of the Letters Patent mainly on the ground that the writ Court has not considered the gravity of the charges as well as the criminal case registered against the respondent and revoked the order or suspension. Revocation of suspension, in the considered opinion of the department, may cause prejudice and there is likelihood of causing inconvenience to the free and fair departmental enquiry. Pertinently, charge memo has been issued and therefore the respondent has to participate in the process of departmental enquiry and defend his case to prove his innocence.

3. Mr.T.Gowthaman, learned Additional Advocate General appearing on behalf of the appellant State would mainly contend that serious allegations of index corrections in the original documents based on forged documents are identified in the Registration Department. Since the allegations are grave and serious, the department has placed the respondent under suspension. A



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criminal case was registered and the respondent has been arrayed as Accused No.6. Investigation has been completed and charge sheet filed. However, the respondent obtained an order of interim stay of all further proceedings in C.C.No.123 of 2026 in CrI.O.P.No.12724 of 2026 dated 29.05.2026. On account of the interim stay, the criminal case is not proceeded with.

4. The writ Court has not considered the fact that the respondent was holding the post of Deputy Inspector General of Registration and is involved in a criminal case relating to correction of original index documents in registration department. He was arrested and released on bail. Departmental proceedings are initiated and he was placed under suspension. In these circumstances, the writ Court allowed the writ petition by setting aside the order of suspension. Thus, the State preferred the present writ appeal.

5. Mr. S.Ravindran, learned Senior Counsel appearing on behalf of the respondent would submit that the criminal case has already been stayed by the High Court. In the departmental proceedings, charge memorandum has been issued. The respondent is ready and willing to defend his case before the disciplinary authority. In these circumstances, continuation of suspension is unnecessary. He is already under suspension for about one year and nine



months and therefore the Writ Court, considering the long period of suspension. Thus the present appeal is to be rejected.

6. This Court has considered the rival submissions made by the parties to the lis.

7. Suspension is not a punishment. Rule 17(e)(1) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules contemplates that, a member of service may be placed under suspension from service where,

- i. a disciplinary proceedings against him is contemplated or pending or,
- ii. a case against him in respect of any criminal offence is under investigation, inquiry or trial.

8. Subrule (2) to Rule 17(e) stipulates that a government servant, who is detained in custody (whether on a criminal charge or otherwise) for a period longer than 48 hours, is automatically considered suspended from service under this rule.

9. On testing the correctness of the order of suspension, there is no infirmity as such. In the present case, admittedly a criminal case has been

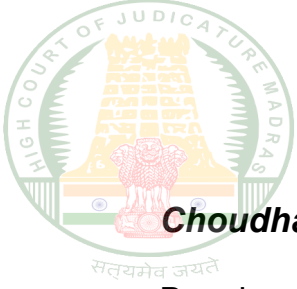


registered against the respondent in Crime No.2 of 2022 for the offences punishable under Sections 120(B), 147, 148, 448, 427, 379, 465, 467, 468 and 471 IPC. He was arrested by the police on 29.05.2024 at 10.30 hours and remanded to judicial custody till 08.10.2024. Therefore, he was under custody for a period exceeding 48 hours. Thus, the order of suspension cannot be said to be perverse or infirm. Simultaneously, departmental disciplinary proceedings are initiated.

10. The second ground raised by the respondent is prolonged suspension. No doubt, there are judgments holding that prolonged suspension is not desirable. However, each case is to be considered based on the facts and circumstances and the gravity and nature of the offences in the criminal case or the allegations in the departmental proceedings and the element of public interest. Suspension orders are passed in the public interest.

11. The Full Bench of this Hon'ble High Court in the case of ***P. Kannan v The Commissioner for Municipal Administration and Others***¹, perused various judgments of the Supreme Court and various judgments of Division Benches of this High Court with ***respect to applicability of the proposition as to time limit of order of suspension, laid down in Ajay Kumar***

¹MANU/TN/2490/2022; (2022) SCC OnLine Mad 1154.



Choudhary² as two different views were taken by two separate Division Benches, and held that, the challenge to order of suspension must be decided based on the facts of the case. This Court **answered the reference** as follows:

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

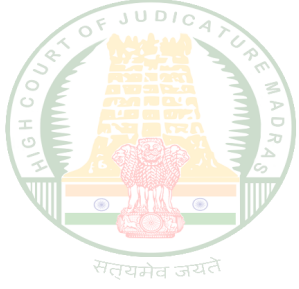
*(i) The judgment of the Apex Court in the case of **Ajay Kumar Choudhary, supra, does not lay down absolute proposition of law that an order of suspension cannot be continued beyond the period of three months if the memorandum of charges/chargesheet has not been served within three months, or if memorandum 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.

(iv) Revocation of suspension with a direction to the employer to post the delinquent in a non-sensitive

² Ajay Kumar Choudhary v. Union of India through its Secretary and Another, MANU/SC/0161/2015



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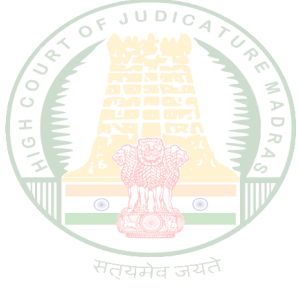
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post cannot be endorsed or directed as a matter of course. It has to be based on the facts of each case and after noticing the reason for the delay in serving the memorandum of charges/charge-sheet.”

12. The scope of judicial review over suspension orders has been succinctly explained by the Supreme Court in ***Union of India v. Ashok Kumar Aggarwal***³. The Court, after considering several earlier decisions, held as follows:

*“ 10. In view of the above, the law on the issue can be summarised to **the effect that suspension order can be passed by the competent authority considering the gravity of the alleged misconduct i.e. serious act of omission or commission and the nature of evidence available. It cannot be actuated by mala fide, arbitrariness, or for ulterior purpose. Effect on public interest due to the employee’s continuation in office is also a relevant and determining factor. The facts of each case have to be taken into consideration as no formula of universal application can be laid down in this regard. However, suspension order should be passed only where there is a strong prima facie case against the delinquent, and if the charges stand***

³ MANU/SC/1222/2013.



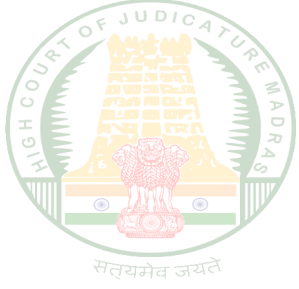
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proved, would ordinarily warrant imposition of major punishment i.e. removal or dismissal from service, or reduction in rank etc.

.....

14. wherein it has been observed that even if a criminal trial or enquiry takes a long time, it is ordinarily not open to the court to interfere in case of suspension as it is in the exclusive domain of the competent authority who can always review its order of suspension being an inherent power conferred upon them by the provisions of Article 21 of the General Clauses Act, 1897 and while exercising such a power, the authority can consider the case of an employee for revoking the suspension order, if satisfied that the criminal case pending would be concluded after an unusual delay for no fault of the employee concerned. Where the charges are baseless, mala fide or vindictive and are framed only to keep the delinquent employee out of job, a case for judicial review is made out. But in a case where no conclusion can be arrived at without examining the entire record in question and in order that the disciplinary proceedings may continue unhindered the court may not interfere. In case the court comes to the conclusion that the authority is not proceeding expeditiously as it ought to have been and it results in prolongation of sufferings for the delinquent

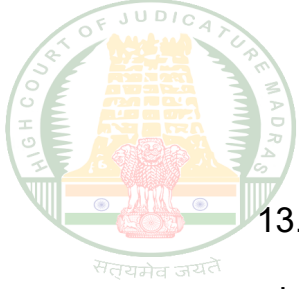


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employee, the court may issue directions. The court may, in case the authority fails to furnish proper explanation for delay in conclusion of the enquiry, direct to complete the enquiry within a stipulated period. However, mere delay in conclusion of enquiry or trial can not be a ground for quashing the suspension order, if the charges are grave in nature. But, whether the employee should or should not continue in his office during the period of enquiry is a matter to be assessed by the disciplinary authority concerned and ordinarily the court should not interfere with the orders of suspension unless they are passed in mala fide and without there being even a prima facie evidence on record connecting the employee with the misconduct in question.

Suspension is a device to keep the delinquent out of the mischief range. The purpose is to complete the proceedings unhindered. Suspension is an interim measure in aid of disciplinary proceedings so that the delinquent may not gain custody or control of papers or take any advantage of his position. More so, at this stage, it is not desirable that the court may find out as which version is true when there are claims and counter claims on factual issues. The court cannot act as if it an appellate forum de hors the powers of judicial review.



13. Let us now consider the gravity of the allegations made against the respondent. A criminal case has been registered in Crime No.2 of 2022 under Sections 120(B), 147, 148, 448, 427, 379, 465, 467, 468 and 471 IPC. Thus, the alleged offences under the above provisions are undoubtedly serious in nature. Charge sheet has already been filed in the criminal case. Trial is stalled on account of the interim stay obtained by the respondent in Crl.O.P.No.12724 of 2026 dated 29.05.2026.

14. Regarding the departmental disciplinary proceedings, charge memorandum has been issued vide proceedings dated 29.05.2026. Annexure 2 to the charge memorandum provides the nature of allegations. Statement of imputations, list of documents are cited in the charge memorandum. Thus, the charge memorandum has been issued in accordance with the procedures as contemplated. A perusal of the allegations would show that index documents maintained by the registration department has been tampered with and corrections are made on three occasions for registering bogus documents. It is for the department to conduct an inquiry into the allegations by affording opportunity to the respondent to defend his case.

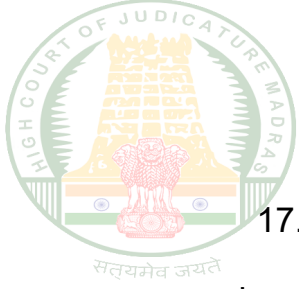
15. Since the allegations are very serious and the respondent is holding the post of Deputy Inspector General of Registration, revocation of suspension



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at this point of time may cause prejudice to the department and will be against public interest. The powers of the Deputy Inspector General of Registration is wider and he will be controlling a zone consisting eleven districts.

16. Therefore, revocation of suspension would have certain implications in the present case. The respondent is a State level officer and was holding the post of Deputy Inspector General of Registration and conduct of free and fair enquiry is essential and since the original index documents and other relevant records are to be protected by the Sub Registrars, subordinate officers to the Deputy Inspector General of Registration. Therefore, this Court is of the considered view that revocation of suspension in the present case will be opposed to public interest. Considering the gravity of the allegations made both in the criminal case and in the departmental proceedings and considering the fact that the respondent is holding the post of Deputy Inspector General of Registration and the departmental proceedings, examination of documents and examination of departmental witnesses are to be conducted, it is desirable to keep the respondent away from performing his official functions till such time the enquiry proceedings are concluded. However, the Government is at liberty to review the order of suspension at an appropriate time.



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17. Thus, the appellants are directed to proceed with the departmental enquiry and conclude the proceedings as expeditiously as possible. The respondent is directed to cooperate for early disposal of the departmental enquiry proceedings by not seeking unnecessary adjournments on flimsy grounds. If any non-cooperation on the part of the delinquent officer, the disciplinary officer shall record the same and proceed with the enquiry and pass final orders on merits and in accordance with law.

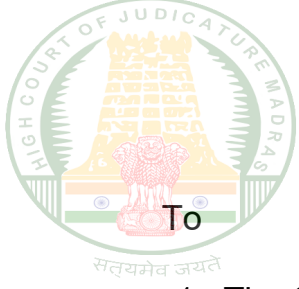
18. With the above observations, the order dated 25.11.2025 passed in W.P.No.38990 of 2025 is set aside and the writ appeal is allowed. No costs. Consequently, connected miscellaneous petition is closed.

(S.M.S.,J.) (N.S.,J.)
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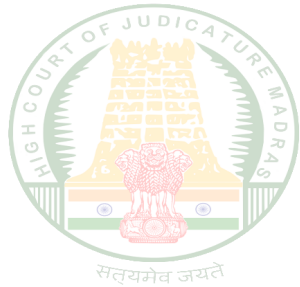
Index: Yes
Speaking order
Neutral Citation: Yes
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