



W.P.(MD) No.13854 of 2026

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.07.2026

CORAM:

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD) No.13854 of 2026

and

W.M.P.(MD) Nos.10301, 10361 & 12276 of 2026

P.Jai Ganesh

... Petitioner

-VS-

1.Revenue Division Officer
O/o.The Revenue Division Officer
Trichy District, Trichy

2.Tahsildar
Tiruchirappalli West Taluk
Trichy

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records of the impugned order passed by the first respondent herein in RC.No.A3/4017/2025, dated 13.04.2026, quash the same as illegal and consequently direct the respondents herein to reinstate the petitioner in service with all benefits within the time stipulated by this Court.

For Petitioner : Mr.V.Meenakshi Sundaram

For Respondents : Mr.C.Jeganathan
Counsel for the Government of Tamil Nadu



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ORDER

This writ petition has been filed aggrieved by the proceedings bearing RC.No.A3/4017/2025, dated 13.04.2026, issued by the first respondent, placing the petitioner under suspension, purportedly in exercise of the power under Clause (2) of Sub Rule (e) of Rule 17 of Tamilnadu Civil Services (Discipline and Appeal) Rules (in short, “the Rules”).

2. This Court, having taken note of the submissions made by the learned counsel for the petitioner stating that there was no criminal case registered against the petitioner and there was no arrest and remand of the petitioner to judicial custody, granted interim stay on 30.04.2026. The said order is being extended from time to time.

3. The first respondent filed a counter-affidavit along with a miscellaneous petition seeking vacation of the interim stay granted by this Court on 30.04.2026 contending that the reference to Rule 17(e)(2) of the Rules was made mistakenly instead of Rule 17(e) of the Rules and also contending that mere reference to a wrong provision of law will not invalidate the proceedings. Further, it is stated that while the petitioner was working as



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Village Administrative Officer, several complaints were received against him, as many as four complaints from females alleging abuse and using filthy language etc., resulting in constitution of an Internal Complaints Committee headed by the Project Director, District Rural Development Agency, Tiruchirappalli District and accordingly, the said Committee conducted an enquiry on 13.03.2026. It is also further stated that the petitioner herein also appeared before the said Committee and his statement was also recorded, besides recording the statements of three other witnesses. It is on receipt of the report of the Internal Complaints Committee *vide* Rc.No.1024/A3/2026, dated 13.04.2026, the first respondent thought it fit to place the petitioner under suspension and accordingly, the impugned proceedings was issued on 13.04.2026 placing the petitioner under suspension. Thus, the respondents tried to sustain the impugned proceedings, on the ground that the first respondent, while intending to take disciplinary action against the petitioner, thought it fit to place the petitioner under suspension and accordingly, the impugned proceedings was issued.

4. In response to the contents of the counter-affidavit filed by the first respondent, learned counsel for the petitioner contended that the impugned proceedings does not even refer to the pendency of any disciplinary



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proceedings or any contemplation of initiating disciplinary proceedings against the petitioner and in the absence of any such pendency of disciplinary proceedings or contemplation of initiating disciplinary proceedings, the power under Rule 17(e) of the Rules is not available to the first respondent and therefore, the impugned proceedings is to be construed as the one issued without jurisdiction, power or authority. He further submits that the constitution of the Internal Complaints Committee and the enquiry that was conducted by the Internal Complaints Committee cannot be elevated to the status of the disciplinary proceedings as contemplated under Rule 17 of the Rules and therefore, the impugned proceedings cannot be sustained.

5. On the other hand, Mr.C.Jeganathan, learned counsel for the Government of Tamil Nadu appearing for the respondents, contends that in case if there is any allegation against the government servant under the provisions of the Sexual Harassment of Women at Work Place (Prevention, Prohibition & Redressal) Act, 2013, an Internal Complaints Committee would be constituted and on completion of the enquiry by the said Committee, in case if he is found guilty of causing sexual harassment, the Disciplinary Authority is entitled to take further disciplinary action against him without following the procedures that were contemplated under Rules 17(a) & (b) of the



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Rules and in support of the said contention, learned counsel for the Government of Tamil Nadu placed reliance on a decision of the learned Division Bench of the Principal Seat of this Court passed in W.A.No.2692 of 2019 etc. batch, dated 30.04.2024, in ***Samuel Tennyson vs. The Principal & Secretary, Madras Christian College (Autonomous), Tambaram East, Chennai-600 059.***

6. This Court has carefully considered the submissions made on either side and also perused the entire materials available on record.

7. A perusal of the impugned proceedings would disclose that the same makes a specific reference to the complaints that were made by two female Village Administrative Officers, with whom the petitioner is alleged to have misbehaved. In case if there is any allegation attracting the provisions of the Sexual Harassment of Women at Work Place (Prevention, Prohibition & Redressal) Act, 2013, what is required to be followed is only the constitution of the Internal Complaints Committee and an enquiry to be conducted by the said Committee.



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8. In the instant case, such an exercise was already undertaken by the first respondent. Admittedly, the petitioner has submitted his written explanation and also stated to have made a statement before the said Committee on 13.03.2026. It is only on receipt of a report from the said Committee on 13.04.2026, the impugned proceedings came to be issued. No doubt, there is no reference to the said report in the impugned proceedings. But, according to the learned counsel for the Government of Tamil Nadu appearing for the respondents, the first respondent is going to take further action pursuant to the report of the Internal Complaints Committee dated 13.04.2026. As held by the learned Division Bench of the Principal Seat of this Court in **Samuel Tennyson's** case, relied on by the learned counsel for the Government of Tamil Nadu appearing for the respondents, a regular enquiry as contemplated under Rule 17 of the Rules, is not necessary and the enquiry that was conducted by the Internal Complaints Committee is sufficient to take disciplinary action against the delinquent employee. At this stage, it would be relevant to refer to the relevant portion i.e., Paragraph No.35 of the said decision, which is extracted hereunder:

“35.From the conjoint reading of the judgment of the Hon'ble Apex Court extracted supra, we are of the view that the disciplinary authority is bound by the findings of fact given by the internal complaints committee viz., the second respondent



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herein. The second respondent is a fact finding enquiry authority and the report of the committee is held to be a report of an enquiry authority based upon which a disciplinary action by the first respondent can be initiated. If the arguments of the learned counsel appearing for the appellant are to be accepted in that regard, it would only create a situation where the affected victims of sexual harassment would be again put to an embarrassment to once again to substantiate their case before an another authority or otherwise, the appellant would again contend that there was no evidence available to the departmental enquiring authority to give a report. Therefore, even though we have arrived at a different conclusion than what has been arrived at by the learned Single Judge, we find no merits both in the Writ Appeal as well as Writ petition.”

9. In the light of the above decision of the learned Division Bench of the Principal Seat of this Court, it cannot be said that there is no disciplinary proceedings that is pending against the petitioner. Though there is no such specific reference made in the impugned proceedings, as the first respondent has made a reference to the complaints received from the two female Village Administrative Officers against the petitioner, mere failure to refer to the pendency of the proceedings before the Internal Complaints Committee and further proceedings contemplated to be taken against the



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petitioner, this Court is not inclined to invalidate the impugned proceedings solely on the ground that there was no reference to the pending proceedings or contemplation of initiating disciplinary proceedings against the petitioner. It is settled legal position that mere quoting a wrong provision of law itself will not invalidate any order or proceedings issued by the competent authority. In the instant case, there is no dispute about the competency of the first respondent in issuing the impugned proceedings placing the petitioner under suspension. Taking into consideration the nature of allegations that are levelled against the petitioner, this Court is of the considered view that this is not a fit case where the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India can be exercised.

10. Further, it is necessary to note that the impugned proceedings was issued as early as on 13.04.2026 and more than three months have lapsed by now. In view of the same, the first respondent is under an obligation to review the impugned order of suspension in terms of Clause (iv) of Paragraph No.11 of the Government Order in G.O.(Ms) No.81, Human Resources Management (N) Department, dated 04.08.2022, and also under an obligation to submit a report to the higher authorities and to take a decision as to whether the further continuance of suspension of the petitioner is duly



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warranted in public interest or not and shall take a conscious decision in this regard.

11. In the circumstances, while refusing to interfere with the impugned proceedings dated 13.04.2026, issued by the first respondent, this Court is inclined to direct the first respondent to review the order of suspension duly taking into consideration the guidelines laid down in Paragraph No.11 of the Government Order in G.O.(Ms) No.81, Human Resources Management (N) Department, dated 04.08.2022, and pass appropriate orders, as expeditiously as possible, at any rate, within a period of six weeks from the date of receipt of a copy of this order.

12. Subject to the above observations, this writ petition is dismissed. The interim stay granted by this Court *vide* order dated 30.04.2026 stands vacated. No costs. Consequently, connected miscellaneous petitions are closed.

15.07.2026

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

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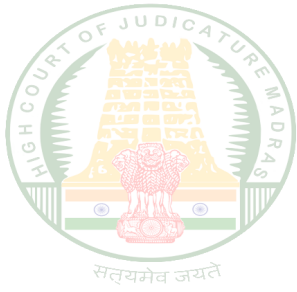


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