



W.P.No.25323 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.25323 of 2022
and WMP.Nos.24297 & 24298 of 2022

K.Narashimman

... Petitioner

-Vs-

1. State of Tamil Nadu,
Rep. by its Additional Chief Secretary,
Rural Development and Panchayat Raj Department,
Secretariat, Fort St. George,
Chennai – 600 009.
 2. The Director of Rural Development and Panchayat Raj,
Panagal Maligai,
Saidapet, Chennai – 600 015.
 3. The District Collector,
Krishnagiri District,
Krishnagiri.
 4. The Inspector of Police,
Vigilance and Anti-corruption Department,
Krishnagiri.
- ... Respondents

Prayer: Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of order in G.O(D).No.377 dated 14.09.2018 passed by the 1st respondent herein and quash the same and consequently direct the



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respondents to reinstate the petitioner to the post of Project Director in the District Rural Development Agency.

For Petitioner : Mr.A.Imrankhan

For Respondents : Mr.V. Nanmaran
Additional Govt. Pleader [R1 to R3]

Mr.A.Selvendran
Special Govt. Pleader [R4]

ORDER

The prayer sought for herein is for a writ of Certiorarified mandamus to quash the order in G.O(D).No.377 dated 14.09.2018 passed by the 1st respondent herein and consequently direct the respondents to reinstate the petitioner to the post of Project Director in the District Rural Development Agency.

2. The petitioner has been working as a Project Director at the Rural Development and Panchayat Raj Department. While so, pursuant to a Vigilance and Anti Corruption case in Cr.No.8/AC/2018 filed under Section 7(a) of the Prevention of Corruption (Amendment) Act, 2018, the petitioner had been placed under suspension with effect from 14.09.2018 by issuance of Government Order in G.O.(D).No.377, Rural



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Development and Panchayat Raj (E2) Department dated 14.09.2018.

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3. The petitioner had been in suspension for the past about four years. Therefore, in view of the prolonged suspension, the petitioner wanted a review, since that has also not been given, he has chosen to challenge the very order of suspension dated 14.09.2018, that is how the present writ petition has been filed.

4. Heard Mr.A.Imrankhan, learned counsel appearing for the petitioner, who would submit that, since for the past four years, the petitioner had been in suspension and it has not been reviewed so far and no progress has been shown either in the criminal case or in the departmental proceedings, therefore, the impugned suspension order dated 14.09.2018 is liable to be interfered with, he contended.

5. However Mr.V.Nanmaran, learned Additional Government Pleader would submit that, even as per the guidelines issued by the Hon'ble Supreme Court of India in the case of *Ajay Kumar Choudhry Vs. Union of India [2015 (2) SCALES 432]* is concerned, in respect of the suspension order that has been made pursuant to the vigilance and



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anti corruption case, there cannot be no time limit to be fixed for revoking the suspension, depending upon the decision to be made by the Criminal Court in the vigilance case alone, the further course of action could be taken. However, recently the Government has issued a Government order in G.O.(Ms).No.81, Human Resources Management (N) Department dated 04.08.2022 and in view of the said mandatory guidelines issued in the said G.O, the suspension of the petitioner dated 14.09.2018 can be reviewed. However, it cannot be expected that the suspension would be revoked merely because, he had been in continuous suspension for the past four years, he contended.

6. I have considered the said rival submissions made by the learned counsel appearing for both sides and have perused the materials placed before this Court.

7. Insofar as the plea raised by the petitioner that, he has been in prolonged suspension from 2018 onwards is concerned, since he has been in suspension pursuant to the vigilance and anti corruption case, it cannot be said that such a suspension order immediately to be revoked, but at the same, since four years have gone, whether the criminal case



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has been shown any progress and how long it will take, in between any departmental proceedings have been initiated or is to be initiated, all these aspects have to be reviewed by the authority concerned, based on the mandatory guidelines issued in G.O.(Ms).No.81 dated 04.08.2022 referred to above. Therefore, this Court feels that a direction can be given to the respondents to review the suspension order, which is impugned herein under the mandatory guidelines of G.O.(Ms).No.81 referred to above. Hence, this writ petition is disposed of with the following directions:

- ◆ That there shall be a direction to the first respondent to review the suspension order dated 14.09.2018 in the light of the guidelines issued by the Government in G.O(Ms.).No.81, Human Resources Management (N) Department, dated 04.08.2022 and pass orders thereon on merits and in accordance with law within a period of eight(8) weeks from the date of receipt of a copy of this order.

R. SURESH KUMAR, J.



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With this direction, this writ petition is disposed of. No costs.

Connected miscellaneous petitions are closed.

21.09.2022

Index:Yes/No

mp

To

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