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W.P.No.25326 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.25326 of 2022

G.Sumathy

... Petitioner

-Vs-

The Revenue Divisional Officer,
Revenue Divisional Office,
Udayarpalayam Taluk, Ariyalur District.

... Respondent

Prayer: Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondent to consider the petitioner representation dated 20.07.2021 and consequently direct to reinstate the petitioner in service.

For Petitioner : Mr.M.Kamaraj

For Respondents : Ms.N.Senthil Selvi
Government Advocate

ORDER

The prayer sought for herein is for a writ of mandamus directing the respondent to consider the petitioner representation dated 20.07.2021 and consequently direct the respondent to reinstate the petitioner in service.



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2. The petitioner had been working as a Village Administrative Officer at Udayarpalayam Revenue Division, Ariyalur District. While so, by proceedings of the respondent dated 21.03.2019, the petitioner had been placed under suspension with effect from 18.03.2019. The suspension was necessitated because there was a case of illegal gratification against the petitioner and in this regard, a criminal case also has been pending before the concerned Court, which triggered the respondent to make the order of suspension, under which, the petitioner had been placed under suspension from March 2019 till date. The petitioner also is being paid with subsistence allowance, as of now 75% of the salary has been paid as subsistence allowance to the petitioner.

3. As the petitioner has been in prolonged suspension for more than four year and no progress has been shown with regard to criminal case and no disciplinary proceedings are initiated or has been proceeded against the petitioner, in order to revoke the suspension order or to review the suspension, though the petitioner has made an attempt, since that has not yielded any desired result, he has filed the present writ petition after giving representation in this regard dated 20.07.2021 to



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review the suspension order in the light of the extant Government Order, which are in vogue.

4. Reiterating the aforesaid, learned counsel appearing for the petitioner seeks indulgence of this Court.

5. Heard Ms.N.Senthil Selvai, learned Government Advocate appearing for the respondent, who would submit that since the petitioner had been placed under suspension pursuant to the illegal gratification complaint, pursuant to which, a criminal case also has been registered against the petitioner, which was pending trial before the concerned Court, awaiting the orders to be passed by the Criminal Court, the petitioner since has been paid the subsistence allowance, at this juncture, the petitioner cannot expect the suspension order would be revoked.

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

7. As has been stated by the learned counsel appearing for the



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petitioner that, the petitioner has been in prolonged suspension from 18.03.2019 and no progress seems to have been shown either in the departmental proceedings or in the criminal case, however, the petitioner has been paid the 75% of the subsistence allowance as of now.

8. If these kind of huge salary is paid to the petitioner without extracting any work from her, in the considered opinion of this Court, during the pendency of a criminal case, even though as per the statute the petitioner is entitled to get the subsistence allowance and therefore, these kind of cases can be reviewed under the mandatory guidelines issued by the Government in G.O(Ms.)No.81, Human Resources Management (N)Department, dated 04.08.2022.

9. In that view of the matter, this Court is inclined to dispose of this writ petition with the following orders:

- ♦ That there shall be a direction to the respondent to review the suspension order made against the petitioner dated 21.03.2019 in the light of the mandatory guidelines issued 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



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within a period of four(4) weeks from the date of receipt of a copy
of this order.

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

21.09.2022

Index: Yes/No

mp

To

The Revenue Divisional Officer,
Revenue Divisional Office,
Udayarpalayam Taluk, Ariyalur District.



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R.SURESH KUMAR,J.

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