



WP(MD)No.14192 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **18.07.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE M.S.RAMESH**

W.P.(MD)No.14192 of 2022
and
W.M.P.(MD)Nos.10145 & 10146 of 2022

D.Vijay Ananth

... Petitioner

/vs./

1.The Inspector General of Registration,
O/o.Inspector General of Registration,
100, Santhome Highway,
Chennai.

2.The Deputy Inspector General of Registration,
Madurai.

3.The District Registrar (Admin),
(In the Cadre of Assistant Inspector General of Registration),
Madurai (South) Registration District,
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order made in Letter No.9874/V3/2020-2 dated 31.08.2021 passed by the 1st respondent and quash the same and consequently direct the 1st respondent to revoke the suspension order made in No.4251/A1/2020 dated



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01.10.2020 passed by the 1st respondent and thereby reinstate the petitioner in service and regularize the period of suspension with all monetary benefits.

For Petitioner : Mr.Isaac Mohanlal,
Senior Counsel
for Mr.P.R.Prithiviraj
For Respondents : Mr.Veera.Kathiravan,
Additional Advocate General
assisted by
Mr.K.S.Selvaganesan
Additional Government Pleader

ORDER

In connection with the petitioner's involvement in a criminal case in Crime No.35 of 2020 on the file of the Central Crime Branch, Madurai City, whereby the petitioner was detained in judicial custody for more than 48 hours, he was placed under suspension, through the impugned order dated 01.10.2020. When the petitioner herein had sought for revocation of his suspension order, this Court, by its order dated 29.07.2021 passed in W.P.(MD)No.13016 of 2021, had directed the first respondent herein to consider his representation seeking for revocation of



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suspension order. Consequently, by an order dated 31.08.2021, his request in this regard was rejected. The petitioner challenges the rejection order dated 31.08.2021 as well as the suspension order dated 01.10.2020 in the present writ petition.

2.When the petitioner herein had challenged the FIR in Crime No.35 of 2020, on the file of the Sub-Inspector of Police, CCB, Madurai, this Court, by order dated 21.12.2020, passed in CrI.O.P.(MD)No.13267 of 2020, had quashed the FIR. Thus, the very foundation, on which the criminal case came to be registered and the petitioner was kept under judicial custody for more than 48 hours had become redundant.

3.The impugned order is an order of suspension simpliciter, whereby the respondents have invoked Rule 17(e)(2) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, 1955. As per the aforesaid Rule, a Government Servant, who is detained in custody on a criminal charge or otherwise, for a period exceeding 48 hours, shall be deemed to have been suspended under the aforesaid Rules. The deemed suspension under Rule 17(e)(2) of the aforesaid



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Rules has been reduced in the form of an order in the present impugned proceedings. Rule 17(e)(6) of the aforesaid Rules provides that an order of suspension made or deemed to have been made under this Rule may be revoked by the concerned authority.

4.The explanation, to the Fundamental Rules of the Tamil Nadu Government, in FR 54-B-3 Sub-Rule (1)(a) provides that when a Government Servant, who is detained in connection with the criminal charge for a period exceeding 48 hours, is deemed to be under suspension from the date of detention, until further orders, as contemplated in the Tamil Nadu Civil Services (Discipline and Appeal) Rules.

5.The object of Rule 17(e)(1)(ii) of the aforesaid Rules indicates that the authority would be entitled to place a Government Servant under suspension in connection with his detention exceeding 48 hours for his involvement in a criminal offence, which is under investigation, inquiry or trial. The deemed suspension, therefore would come into force the moment, when such Government Servant is detained for more than 48 hours in connection with the criminal



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offence. The consequence of the criminal proceedings ending in an acquittal or closure of the investigation against the Government Servant has not been spelt out, either in the Tamil Nadu Civil Services (Discipline and Appeal) Rules, 1955 or under the Fundamental Rules of the Tamil Nadu Government.

6.As already pointed out, the present order of suspension is only on account of the judicial custody of the petitioner for more than 48 hours in connection with the criminal case. While that being so, when the criminal proceedings itself have been quashed by this Court in its order in CrI.O.P.(MD)No.13267 of 2020 dated 21.12.2020, the very foundation, for which the petitioner was placed under judicial custody, has become redundant and therefore, the continuation of the suspension order even after quashing of the criminal proceedings, may not be warranted.

7.It is not the case of the respondents that the charge against the petitioner is one involving moral turpitude or that the petitioner may indulge in tampering with the evidences in a disciplinary proceedings. As a matter of fact, the disciplinary proceedings initiated against the petitioner in connection with the



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involvement in Crime No.35 of 2020 was already enquired into by the enquiry officer and pursuant to the enquiry report dated 09.04.2021, whereby, the charges were held as not proved, the disciplinary authority had chosen to defer with the findings of the enquiry officer and had called for the petitioner's explanation. The petitioner has also tendered his further explanation to the notice proposing to defer with the enquiry officer's findings and final orders are yet to be passed. At this stage, I am unable to comprehend as to why the petitioner's suspension should continue, when the charges do not involve moral turpitude, nor is there any chances of the petitioner tampering with the evidences in the enquiry. When the very basis, for which the petitioner was kept under judicial custody has been quashed by this Court in an order passed on merits, the present impugned order refusing to revoke the petitioner's suspension order, is unjustifiable and unwarranted. Accordingly, both the suspension order as well as the subsequent order refusing to revoke the suspension order cannot be sustained.

8.In the light of the above findings and observations, the impugned orders dated 31.08.2021 and 01.10.2020 on the file of the first respondent are quashed. Consequently, there shall be a direction to the first respondent to forthwith



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reinstate the petitioner back into service, in any event, within a period of two (2) days from the date of receipt of a copy of this order. This Writ Petition stands allowed accordingly. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

18.07.2022

Index : Yes / No
Internet : Yes / No
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M.S.RAMESH, J.

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Order made in
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Dated:
18.07.2022