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WP.Nos.20734, 17091, 18530, 18471 & 18462 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2023

CORAM

**THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR**

WP.Nos.20734, 17091, 18530, 18471 & 18462 of 2023  
and W.M.P.Nos.20109, 20111, 20114, 16262, 16263, 16264, 17765, 17766,  
17767, 17693, 17695, 17967, 17681, 17682 & 17684 of 2023

W.P.No.20734 of 2023

K.Velmurugan

.. Petitioner

Versus

1.The Inspector General of Registration  
100, Santhome High Road  
Chennai – 28

2.The PA (General) to Inspector General of Registration  
O/o.The Inspector General of Registration  
T100, Santhome High Road  
Chennai – 28

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records relating to the order of the 1<sup>st</sup> respondent made in proceedings No.3951/V2/2020 dated 03.02.2020 and that of the consequential order of the 2<sup>nd</sup> respondent made in Letter No.3951/Vi.2/2020 dated 24.04.2023 to quash the same.

For Petitioner : Mr.L.Chandrakumar

For Respondents : Mr.V.Jeevagiridharan for R1 & R2  
Additional Government Pleader

Mr.K.Srinivasan for CBI  
Special Public Prosecutor (CBI)



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**COMMON ORDER**

These Writ Petitions have been filed challenging the Orders of rejection passed against the suspension orders of the petitioners and quash them.

2. Since, the facts and circumstances in these cases are identical in nature, they are heard together and are disposed of by way of this Common Order.

**W.P.No.20734 of 2023**

3. The petitioner was appointed as Assistant, Joint II Sub Registrar Office, Karaikudi on 14.11.2018 and his service came to be regularised from the date of his initial appointment. While so, he was arrested for the alleged malpractice said to have been taken place at one of the Examination Centre. Hence, the petitioner was placed under suspension vide proceedings dated 03.02.2020. In earlier occasion, this Court directed the respondents to consider for revisiting the suspension of the petitioner. However, the rejection order came to be passed on the ground that the case has been transferred to CBI from CBCID for future investigation on 14.07.2022. Challenging the same, this writ petition has been filed.

**W.P.No.17091 of 2023**

<https://www.mhc.tn.gov.in/judis>



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4. The petitioner was appointed as Assistant in the Energy Department on 19.11.2018 and his service came to be regularised from the date of his initial appointment vide Office Proceedings No. 176 dated 10.12.2019. While so, he was arrested for the alleged malpractice said to have been taken place at one of the Examination Centre at Rameshwaram. Hence, the petitioner was placed under suspension vide proceedings dated 06.02.2020. In earlier occasion, this Court directed the respondents to consider for revisiting the suspension of the petitioner. However, the rejection order came to be passed on the ground that the case has been transferred to CBI from CBCID for future investigation on 14.07.2022. Challenging the same, this writ petition has been filed.

W.P.No.18530 of 2023

5. The petitioner was appointed as Assistant in the Commissioner of Revenue Administration Department on 19.11.2018 and her service came to be regularised from the date of her initial appointment. While so, she was arrested for the alleged malpractice said to have been taken place at one of the Examination Centre. Hence, the petitioner was placed under suspension vide proceedings dated 30.09.2020. In earlier occasion, this Court directed the respondents to consider for revisiting the suspension of the petitioner.



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However, the rejection order came to be passed on the ground that the case has been transferred to CBI from CBCID for future investigation on 14.07.2022.

Challenging the same, this writ petition has been filed.

#### W.P.No.18471 of 2023

6. The petitioner was appointed as Assistant, Karaikudi Registration District on 28.11.2018 and his service came to be regularised from the date of his initial appointment. While so, he was arrested for the alleged malpractice said to have been taken place at one of the Examination Centre. Hence, the petitioner was placed under suspension vide proceedings dated 09.07.2021. In earlier occasion, this Court directed the respondents to consider for revisiting the suspension of the petitioner. However, the rejection order came to be passed on the ground that the case has been transferred to CBI from CBCID for future investigation on 14.07.2022. Challenging the same, this writ petition has been filed.

#### W.P.No.18462 of 2023

7. The petitioner was appointed as Assistant in the Finance Department on 12.11.2018 and his service came to be regularised from the date of his initial appointment. While so, he was arrested for the alleged malpractice said



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to have been taken place at one of the Examination Centre. Hence, the petitioner was placed under suspension vide proceedings dated 11.02.2020. In earlier occasion, this Court directed the respondents to consider for revisiting the suspension of the petitioner. However, the rejection order came to be passed on the ground that the case has been transferred to CBI from CBCID for further investigation on 14.07.2022. Challenging the same, this writ petition has been filed.

8. Considering the fact that the petitioners were originally appointed in the year 2018 and based on some complaints with regard to the alleged malpractices taken place in one of the examination centre at Rameshwaram, they are placed under suspension. It is also relevant to note that the very complaint itself came to be filed only after a period of 2 years, that too, after the regularisation of the service of the petitioners. Though allegations appears to be of serious in nature and the matter is pending from 2017 with the CBCID, no breakthrough whatsoever have been done. Now, it is transferred to CBI on 14.07.2022. Even when the matter is transferred to CBI from the CBCID, no concrete materials unearthed with regard to the petitioners as of today, except stating that the investigation is still going on. According to them, the investigation is in the initial stage.



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9. It is relevant to note that similarly situated person who is qualified in the said examination and placed under suspension is reinstated by the Principal Secretary/Commissioner of Revenue Administration vide Proceedings No.O.P.1(1)/44863/2018 dated 09.06.2022. Similarly, Mrs.G.Saranya, who was also placed under suspension, the suspension is revoked and she is reinstated by the Treasury Officer, District Treasury, Tiruvallur vide Proceedings in Rc.No.10213/2020/A2 dated 23.03.2023. It is also stated by the counsels that the officials of the TNPSC who conducted examinations in the particular centre and carried the papers have been originally arrested and their suspension is also revoked, this aspect is not disputed by the respondent.

10. Such view of the matter, when there is no breakthrough in investigation and continuing the prolonged suspension will not serve any purpose. Accordingly, the order of suspension is liable to be revoked. The only ground stated by the respondent is that the CBI has not given permission to revoke the suspension. It is relevant to note that the letters of the CBI dated 01.05.2023 placed before this Court would indicate that the officials facing criminal/departmental proceedings on serious charges of corruption should be placed under suspension as early as possible and their suspension should not



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be revoked in a routine manner. However, in this case, the allegations is of the alleged malpractices in examination, but, no materials whatsoever is unearthed so far.

11. Such view of the matter, this Court is of the view that the respondents have passed the rejection of suspension order without considering the prolonged suspension and no progress whatsoever made in the criminal case. In fact, the subsistence allowance is paid to them without extracting any work from them.

12. Accordingly, these writ petitions are allowed. The Orders of suspension passed against the petitioners are hereby revoked and the petitioners are directed to be reinstated in the service. It is also made clear that they should be placed at non sensitive work so that they may not handle the important record. Consequently, connected miscellaneous petitions are closed.

No costs.

18.07.2023

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Index: Yes/No

Internet: Yes/No

Neutral Citation: Yes/No

**N.SATHISH KUMAR, J.**



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To

1.The Inspector General of Registration  
100, Santhome High Road  
Chennai – 28

2. The Additional Secretary  
The State of Tamil Nadu  
Energy Department  
Fort St.George, Chennai – 600 009

3. The Additional Chief Secretary  
Energy Department  
Fort St.George, Chennai – 600 009

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