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W.P.No.24612 of 2023

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 23.08.2023**

**CORAM:**

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

**WP.No.24612 of 2023 &  
WMP.Nso.24044 & 24045 of 2023**

S.Sudhadevi

... Petitioner

Vs

The Principal Secretary,  
Transport Commissioner,  
Chepauk, Chennai – 600 005.

... Respondent

Prayer:- Writ Petition filed, under the Article 226 of Constitution of India, to issue a Writ of Certiorari calling for records relating to the Order of the respondent made in Proc.R.No.5125/VB2/2020, dated 10.03.2020 and that of the consequential Order made in Proc.R.No.5125/VB2/2020 dated 12.01.2023 and to quash the same.

For Petitioner : Mr.L.Chandrakumar

For Respondents : Mr.E.Vedabagathsingh  
Special Government Pleader



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## **ORDER**

This Writ Petition has been filed to quash the impugned Order of the respondent made in Proc.R.No.5125/VB2/2020, dated 10.03.2020 and that of the consequential Order made in Proc.R.No.5125/VB2/2020 dated 12.01.2023.

2. The petitioner was appointed as Assistant, Joint II Sub Registrar Office, Karaikudi on 22.11.2018 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 10.03.2020. 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 12.01.2022. Challenging the same, this writ petition has been filed.



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3. Admittedly, the petitioner was 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, she was 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 petitioner. Though allegations appears to be of serious in nature and the matter is pending from 2017 with the CBCID, no breakthrough whatsoever has 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 petitioner as of today, except stating that the investigation is still going on. According to respondent, the investigation is in the initial stage.

4. 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



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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.

5. In 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 be revoked in a routine manner. However, in



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this case, the allegations is of the alleged malpractices in examination, but, no materials whatsoever is unearthed so far. Hence, 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 the petitioner, without extracting any work from her

6. Accordingly, this Writ Petition is allowed. The Order of suspension passed against the petitioner is revoked and the petitioner is directed to be reinstated in service. It is also made clear that the petitioner should be placed at non sensitive work so that they may not handle the important records. Consequently, connected miscellaneous petitions are closed. No costs.

**23.08.2023**

Index:Yes/No

Neutral Citation : Yes/No

vrc

To,  
The Director General of Police,  
Office at Director General of Police,  
Dr.Rathakrishnan Salai, Mylapore, Chennai – 4.



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**N.SATHISH KUMAR, J.**

VTC

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