



WEB COPY



W.P.No.25767 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2023

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.25767 of 2023 and
W.M.P.No.25196 of 2023

K.Kumar,
Village Administrative Officer,
(Under Suspension),
Vellanaipatti Village,
Annur Taluk, Coimbatore District.

... Petitioner

Versus

The Revenue Divisional Officer,
Coimbatore North,
Coimbatore.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus or any other writ, order or direction in the form of the writ to call for the records connected with the REF.No.2293/2021/B1, dated 25.08.2021 passed by the respondent and quash the same and consequently direct the respondent to reinstate the petitioner into service.

For Petitioner : Mr.S.Illamvaludhi
For Respondent : Mr.P.Baladhandayutham,
Special Government Pleader

ORDER

This Writ Petition has been filed challenging the suspension order issued by the second respondent as against the petitioner vide proceedings



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in REF.No.2293/2021/B1, dated 25.08.2021, quash the same and consequently direct the respondent to reinstate the petitioner into service.

2.The case of the writ petitioner is that he was arrested in a trap case and remanded to the custody and subsequently, he was released on bail. Pursuant to the charges framed under Prevention of Corruption Act, he was placed under suspension vide impugned proceedings dated 25.08.2021. Challenging the same, this writ petition.

3.It is the contention of the learned counsel for the petitioner that he is in prolonged suspension and in the criminal case, the charge sheet has not been filed. Therefore, seeks this Court to direct the respondent to consider revisiting the prolonged suspension.

4.Heard both sides and perused the materials placed on record. It is relevant to note that the Government has passed Government Order in G.O.Ms.No.81, Human Resources Management (N) Department, dated 04.08.2022, wherein, Clause 11 (xi) reads as follows:

“...(xi). In cases where the charge in the criminal case involves complicated questions of law and fact and the



disciplinary authority is not in a position to finalise the departmental disciplinary proceeding and if the criminal case is based on the vigilance report and is pending before the Court of law for which no reasons are explained explicitly, the authority competent may take a decision by taking up review of suspension and post the Government Servant in a non sensitive place in consultation with the appropriate investigating authority/Vigilance Commission on case to case basis in view of the reason that prolonged suspension and paying subsistence allowance for a long period without extracting work is not at all acceptable. Such revocation of suspension can be made based on the facts of each case and after noticing the reason for the delay in servicing the memorandum off charges/charge sheet. The decision of the Hon-ble High Court of Madras in P.Kannan case given in para 5 above shall be taken into account.”

5.Considering the above guidelines issued by the Government, the petitioner who is also in prolonged suspension and the departmental proceedings is based on the facts of the criminal case, the disciplinary authorities may consider revisiting suspension as per the guidelines referred above and pass appropriate orders on merits, within three months, from the date of receipt of a copy of this Order.



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N.SATHISH KUMAR, J.

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6. Accordingly, this writ petition stands disposed of. Consequently,
connected miscellaneous petition is closed. No costs.

04.09.2023

Index : Yes/No

Internet: Yes/No

Neutral Citation: Yes/No

Speaking Order/Non-Speaking Order

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To

The Revenue Divisional Officer,
Coimbatore North,
Coimbatore.

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