



W.P.No.27354 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2023

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.27354 of 2023 and  
W.M.P.No.26779 of 2023

P.Vasanth,  
Village Administrative Officer,  
(Under Suspension),  
Manathi Village, Tiruchengode Taluk,  
Namakkal District.

... Petitioner

Versus

The Revenue Divisional Officer,  
Tiruchengode.

... 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 ROC.No.674/2021/A dated 26.03.2021 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.M.Alagu Gowtham,  
Government Advocate

ORDER

This Writ Petition has been filed challenging the suspension order, dated 26.03.2021 issued by the respondent as against the petitioner and seeking direction to the respondent to reinstate the petitioner into service.



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2.The case of the writ petitioner is that she was arrested in a trap case and remanded to the custody and subsequently, she was released on bail. Pursuant to the charges framed under Prevention of Corruption Act, 1988, she was placed under suspension *vide* impugned proceedings dated 26.03.2021. Challenging the same, this writ petition.

3.It is the contention of the learned counsel for the petitioner that she 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*



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*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 and in accordance with law, 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.

19.09.2023

( $\frac{1}{2}$ )

Index : Yes/No

Internet: Yes/No

Neutral Citation: Yes/No

Speaking Order/Non-Speaking Order

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To

The Revenue Divisional Officer,  
Tiruchengode.

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