



WEB COPY



W.P.No. 7158 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2024

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.7158 of 2024

M.Ramasamy

....

Petitioner

Vs

The Registrar,
Annamalai University,
Annamalai Nagar-608 002.

....

Respondent

Prayer : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent to revoke the order of suspension of the petitioner dated 07.04.2015 based his application dated 05.01.2016 and 11.09.2023 as per the direction issued by the Government of Tamil Nadu in G.O.Ms.No.81, Human Resources Management (N) Department dated 04.08.2022.

For Petitioner : Mr.K.Balu

ORDER

This Writ Petition has been filed for a direction directing the respondent to consider the representation submitted by the petitioner seeking revocation of order of suspension.



W.P.No. 7158 of 2024

2. Heard the learned counsel appearing for the petitioner and

perused the materials available on record.

3. The petitioner was appointed as Office Assistant in the respondent University. Thereafter, his service was regularised by the respondent. While being so, on 01.04.2015, a complaint was lodged alleging that the petitioner and others indulged in malpractice by inserting answer sheet for certain candidates who were absent for examination. On the said complaint, an FIR has been registered in Crime No.99 of 2015 for the offences under Section 420, 381, 406 and 120(B) of IPC on the file of the Inspector of Police, Annamalai Nagar Police Station, Chidambaram.

4. Pursuant to the registration of the FIR, the petitioner was arrested and remanded to judicial custody. Subsequently, the petitioner was released on bail. Therefore, the petitioner was deemed to have been suspended from the date of his arrest by an order dated 07.04.2015 and the petitioner has been continuously paid subsistence allowance. After completion of investigation, a charge sheet has been laid and the same has been taken cognizance by the Trial Court. However, so far trial has



W.P.No. 7158 of 2024

not been completed by the Trial Court. The disciplinary proceedings is also pending without passing any final order. The petitioner is receiving subsistence allowance from the year 2015 without doing any work.

5. As per G.O.Ms.No.81, Human Resources Management (N) Department, dated 04.08.2022, the order of suspension cannot be sustained for ever. As per G.O., the disciplinary proceedings should be initiated immediately and finalised, normally within a period of six months from the date of suspension. In cases, where a Government servant has been suspended and the matter has been referred for investigation to the Director of Vigilance and Anti-Corruption for enquiry, the latter should complete the enquiry and send the report to Government through the Vigilance Commission within one year. The time limits mentioned above will not be applicable to cases of Government servants against whom criminal proceedings have been initiated. However, while sanctioning prosecution in such a criminal case, an examination similar to the one, the competent authority, by taking up review of suspension, posted the Government servant in a non-sensitive place in consultation with the appropriate investigating agency.



W.P.No. 7158 of 2024

6. In view of the above, the respondent is directed to revisit the order of suspension dated 07.04.2015 and pass appropriate orders to reinstate the petitioner into service and place him in a non-sensitive post within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition stands disposed of. No costs.

20.03.2024

Internet : Yes/No
Index:Yes/No
Speaking Order/Non-speaking order
Neutral Citation : Yes/No
Lpp

To

The Registrar,
Annamalai University,
Annamalai Nagar-608 002.



WEB COPY



W.P.No. 7158 of 2024

G.K.ILANTHIRAIYAN, J.

Lpp

W.P.No.7158 of 2024

20.03.2024