



WEB COPY

W.P.No.9517 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2024

CORAM

THE HONOURABLE MR.JUSTICE **D. BHARATHA CHAKRAVARTHY**

W.P.No.9517 of 2024  
and WMP.No.10519 of 2024

Dr.S.Shanmugam

... Petitioner

-Vs-

1. The Principal Secretary to Government  
Higher Education Department,  
Secretariat,  
Fort St.George,  
Chennai 600 009.
2. The Director of Collegiate Education  
577, Anna Salai,  
Todd Hunter Nagar,  
Saidapet, Chennai 600 015.
3. The Regional Joint Director of Collegiate  
Education,  
Race Course Road,  
Race Course,  
Coimbatore 641 018.
4. The Principal  
Government Arts and Science College,  
Gudalur - 643 212.

... Respondents

**Prayer :-** Writ Petition filed under Article 226 of the Constitution of India  
praying for the issuance of a Writ of certiorarified mandamus to call for the



W.P.No.9517 of 20

records on the file of the 2nd respondent proceedings in R.C.No.001377/C1/2024 dated 22.03.2024 and subsequent order of the 4th respondent in Na.Ka.No.527/Temporary Suspension/2023-24 dated 22.03.2024 and quash the same and direct the respondents to reinstate the petitioner in service with all service and monetary benefits forthwith.

For Petitioner : Mr.L.Chandra Kumar  
for  
Mr.A.Saravanan

For Respondents : Mr.R.Kumaravel  
Additional Government Pleader

### **ORDER**

This writ petition is filed challenging the order of suspension dated 22.03.2024.

2. The learned counsel appearing for the petitioner submitted that the para 3 of the impugned order of suspension invokes Rule 17 (e) (2) of Tamil Nadu Civil Services (Discipline and Appeal) Rules. Rule 17(e) (2) of Tamil Nadu Civil Services (Discipline and Appeal) Rules can be invoked if only the petitioner has been arrested and in detention for more than 48 hours. Therefore, the impugned order of suspension cannot be sustained.

3. Per contra, Mr.Kumaravel, learned Additional Government Pleader



submitted that both in contemplation of Disciplinary Proceedings as well as for criminal case, the petitioner has been put into suspension and mere mentioning of a wrong provision of law would not invalidate suspension. He further submitted that the petitioner himself has admitted of having temporarily misappropriated the amounts and repaid the amount.

4. In reply, Mr.Chandra Kumar, learned Senior Counsel appearing for the petitioner denied the said allegation and submitted that the entire allegation is regarding misappropriation to the tune of Rs.84,51,456/- in respect of which the petitioner is not concerned with and only his predecessor one Swaminathan is concerned with.

5. Heard both sides and perused the materials available on record.

6. What is challenged is the order of suspension. When disciplinary proceedings / criminal case is contemplated that too on account of misappropriation of Rs.84,51,456/-, at this stage this Court cannot interfere into the matter. Mere quoting of a wrong provision/ wrong service rule itself would not vitiate the order of suspension. Therefore, since the respondents are contemplating the disciplinary proceedings, they have jurisdiction to suspend the petitioner. Needless to mention that the respondents would take swift



action in issuing charge memorandum and in continuing the proceedings.

WEB COPY

7. In view thereof, this writ petition stands dismissed. No costs.

Consequently, connected miscellaneous petition is also closed.

08.04.2024

Index : Yes/No

Speaking order/Non-speaking order

dpq

To

1. The Principal Secretary to Government  
Higher Education Department,  
Secretariat,  
Fort St.George,  
Chennai 600 009.
2. The Director of Collegiate Education  
577, Anna Salai,  
Todd Hunter Nagar,  
Saidapet, Chennai 600 015.
3. The Regional Joint Director of Collegiate  
Education,  
Race Course Road,  
Race Course,  
Coimbatore 641 018.
4. The Principal  
Government Arts and Science College,  
Gudalur - 643 212.



WEB COPY

W.P.No.9517 of 2024



**D. BHARATHA CHAKRAVARTHY, J.**

dpq

**W.P.No.9517 of 2024**

08.04.2024