



W.P.(MD).No.875 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 28.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.875 of 2024

and

W.M.P(MD) Nos.894 and 896 of 2024

V.Murugaiah

... Petitioner

Vs.

1. The District Collector,
Tenkasi District, Tenkasi.

2. The Block Development Officer,
Vasuthevanallur Panchayat Union,
Tenkasi District.

3. The Panchayat President,
Sangupuram Panchayat,
Vasuthevanallur Union,
Tenkasi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the third respondent in connection with the impugned suspension order issued by the petitioner in his proceedings in Na.Ka.No. 01/2021, dated 16.11.2021 and Na.Ka.No.01/2024, dated 15.12.2023 and quash the both as illegal, arbitrary within the time limit that may be stipulated



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by this Court.

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For Petitioner : Mr.K.Sankar
For R1 : Mr.S.Shaji Bino
Special Government Pleader
For R2 and R3 : Mr.K.S.Selvaganesan

ORDER

The instant Writ Petition has been filed by a Panchayat Secretary, who is under suspension, seeking to quash the order of suspension dated 16.11.2021 and the order dated 15.12.2023, wherein the third respondent had rejected the request of the petitioner for revocation of suspension order.

2. The petitioner herein was implicated in a criminal case in Crime No. 12 of 2021, on 13.11.2021 under Section 7 of the Prevention of Corruption Act, 1988. The petitioner was arrested and he was detained in judicial custody. The petitioner was placed under suspension by the order of the third respondent on 16.11.2021.

3. The petitioner has given a representation to the third respondent seeking to revoke the order of suspension dated 16.11.2021. Since the said



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representation has not been considered, the petitioner has filed W.P(MD) No. 22817 of 2023 before this Court. The writ petition was disposed of with a direction to the third respondent to consider the representation of the writ petitioner on merits and in accordance with law and pass orders, within a period of eight weeks.

4. In compliance of the order of this Court, the third respondent has passed the present impugned order on 15.12.2023, to the effect that since charge sheet has already been filed before the Special Court, the request for revocation of suspension cannot be considered. This order is under challenge in the present writ petition.

5. According to the learned counsel appearing for the writ petitioner, the third respondent has not properly appreciated the fact that the petitioner is under suspended for the past four years and merely because of charge sheet has been laid, the order of suspension cannot be continued.

6. Per contra, the learned Special Government Pleader appearing for the first respondent had contended that the petitioner was involved in a trap case



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and therefore, the time limit fixed under GO(Ms) No. 81, Human Resources Management Department, dated 04.08.2022 is not applicable to the writ petitioner.

7. I have carefully considered the submissions made by the learned counsel on either side and perused the materials available on record.

8. The Government of Tamil Nadu has issued G.O.(Ms) No.81, Human Resources Management (N) Department, dated 04.08.2022, wherein guidelines have been issued for revocation of sustaining the order of suspension. Clause 11 (X) and (XI) of the said guidelines deal with the cases wherein the employees are involved in a criminal case and DVAC Proceedings. The order impugned in the writ petition dated 15.12.2023 has not taken into consideration the G.O.(Ms) No.81, Human Resources Management (N) Department, dated 04.08.2022.

9. In view of the above said facts, the order dated 15.12.2023 rejecting the request of the writ petitioner for revocation of suspension is hereby set aside and the matter is remitted back to the file of the third respondent herein



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to reconsider the request, in the light of above mentioned Government Order.

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10. With the above said observations, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions stand closed.

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NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

1. The District Collector,
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Tenkasi.
2. The Block Development Officer,
Vasuthevanallur Panchayat Union,
Tenkasi District.
3. The Panchayat President,
Sangupuram Panchayat,
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R.VIJAYAKUMAR,J.

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