



W.P.(MD).No.9366 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 19.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.9366 of 2023

and

W.M.P(MD) Nos.8390 and 8391 of 2023

S.Saravanakumar

... Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by its Principal Secretary,
Adi Dravidar and Tribal Welfare
(ADW-1) Department,
Secretariat, Chennai.
2. The Commissioner,
Office of the Commissioner of
Adi-Dravidar Welfare Department,
Chepauk, Chennai.
3. The District Collector,
Office of the District Collector,
Trichy District.
4. The District Adi Dravidar and
Tribal Welfare Officer,
Office of the Adi Dravidar and
Tribal Welfare Department,
Trichy District.

... Respondents



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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 pertaining to the impugned order in G.O.(D) No.60, dated 25.03.2022 on the file of the first respondent and quash the same as illegal and consequently directing the first respondent to revoke the suspension of the petitioner and reinstate the petitioner in the post of District Adi Dravidar Tribal Welfare Officer by considering the representation of the petitioner dated 16.11.2022 in the light of the G.O.(Ms) No. 81, Human Resources Management (N) Department, dated 04.08.2022 within the time stipulated as fixed by this Court.

For Petitioner : Mr.T.Thirumurugan

For Respondents : Mr.S.Shaji Bino
Special Government Pleader

ORDER

The instant writ petition has been filed by a District Adi-Dravidar and Tribal Welfare Officer, Trichy District, challenging the order of suspension dated 25.03.2022.

2. According to the learned counsel appearing for the writ petitioner, the petitioner has been falsely implicated in a criminal case and a charge



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memo was issued on 18.04.2022. The petitioner was under prolonged suspension for more than 2 ½ years. He further contended that one of the co-delinquent's, namely, Mani's suspension has been revoked by the order of this Court and therefore, the petitioner is a similarly placed person and his suspension order may also be revoked by the concerned authorities. He further relied upon G.O(Ms) No. 81, Human Resources Management (N) Department, dated 04.08.2022, to contend that the suspension order of the petitioner could be revoked and he may be posted in a non sensitive post, considering the fact that neither departmental enquiry nor the criminal proceedings have reached finality.

3. Per contra, the learned Special Government Pleader appearing for the respondents had contended that the petitioner was trapped on 30.03.2022, and an FIR has been registered under the Prevention of Corruption Act by DVAC, Vilupuram, in Crime No.3 of 2022, on 30.03.2022. Even before registration of an FIR, the petitioner was issued with charge memo on 18.04.2022, for which, the petitioner has not submitted his explanation citing one reason or other. Hence, the enquiry could not be completed only due to the delay on the part of the writ petitioner in non-submission of his explanation. Therefore, the



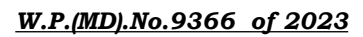
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delay in completing the disciplinary proceedings is only attributable to the writ petitioner and hence he cannot take advantage of the same and seek revocation of the order of suspension.

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

5. The petitioner who is a District Level Officer was issued with a charge memo on 18.04.2022 under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules. A perusal of the charge memo indicates that the petitioner has illegally appointed 12 persons without obtaining prior permission from the concerned authorities. Later, the petitioner was placed under suspension under the impugned order dated 25.03.2022. While the petitioner was under suspension, an FIR has been registered as against the petitioner on 30.03.2022 under Prevention of Corruption Act.

6. A perusal of the typed set of papers further reveals that the petitioner is yet to submit his explanation for the charge memo dated 18.04.2022 and



7. Considering the fact that the petitioner was trapped on 30.03.2022
WAC proceedings are in the nascent stage, posting the petitioner even in
-sensitive post would cause prejudice to the administration. Therefore,
Court is not inclined to interfere in the order of suspension at this point of
and there are no merits in this writ petition.



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8. Accordingly, this Writ Petition stands dismissed. 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 Principal Secretary,
Adi Dravidar and Tribal Welfare
(ADW-1) Department,
Secretariat, Chennai.
2. The Commissioner,
Office of the Commissioner of
Adi-Dravidar Welfare Department,
Chepauk, Chennai.
3. The District Collector,
Office of the District Collector,
Trichy District.
4. The District Adi Dravidar and Tribal Welfare Officer,
Office of the Adi Dravidar and Tribal Welfare Department,
Trichy District.

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R.VIJAYAKUMAR,J.

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