



W.P.(MD)No.16022 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.07.2024

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THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.16022 of 2024

N.Ganesan

... Petitioner

Vs.

1.The District Collector,
Collectorate,
Tenkasi District.

2.The Revenue Divisional Officer,
O/o.the Revenue Divisional Office,
Tenkasi District.

3.The Tahsildar,
Tenkasi Taluk Office,
Tenkasi, Tenkasi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned Suspension Order in RDOTKS/800/2024-A4 dated 13.03.2024 on the file of the respondent No.2 and quash the same as illegal and consequently direction directing the respondent No.2 to revoke the Suspension and reinstate the petitioner in the post of Village Administrative Officer in light of the guidelines issued G.O.Ms. No.81 (Human Resources Development) dated 04.08.2022 within the time stipulated by this Court.



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charges/chargesheet is not served on the delinquent and even if the charge sheet is served within the said period a reasoned order should be passed for extending the suspension. However, in the instant case, the petitioner is under suspension for more than four months and he has not been served with any charge sheet.

5.The issue raised in this Writ Petition has been elaborately discussed and covered in the earlier judgment passed in W.P.(MD)No.6982 of 2024 [*Thangavelu vs. The District Collector and others*] dated 10.04.2024, wherein this Court has analysed as under:

“4.It is further held that in a case of trap, an order of interference with the order of suspension would have serious consequences. The Full Bench has made a specific observation that all the cases where memorandum of charges/charge sheet was not filed within three months if an order of revocation is passed with a direction to reinstate the delinquent in a non-sensitive post would have also some serious consequences. Hence, due caution should be made before issuing such order.

5. An illustration has also been made in the said order for placing an employee for revoking the suspension of an employee against whom allegation of rape has been made by a co-employee followed by a registration of a criminal case. It is held that merely because a charge sheet could not be submitted within a period of three months, order of suspension cannot be revoked with any consequential direction. In the instant case, the petitioner is said to



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have involved in a trap case but in a case of such a serious nature investigation ought to have been completed within a short time and the petitioner should have been given with a charge sheet. Nothing would have precluded the respondent from furnishing the charge memo if the respondent deems it fit to initiate disciplinary proceedings. But so far, the respondents have not taken any steps in that direction. Though it is right to state that revoking suspension of this nature would have serious consequence, if the respondents do not show enough seriousness in serving the charge memo at the earliest in order to initiate the disciplinary proceedings to be completed within any specific time frame just because the petitioner is said to have trapped and involved in DVAC case, the suspension cannot be kept eternally without any revision.”

6.In view of the above discussion, pending investigation/criminal case, the order of suspension issued against the petitioner shall be revoked and the petitioner shall be reinstated in some non-sensitive post.

7.With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

18.07.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
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To

WEB COPY

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R.N.MANJULA, J.

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