



WEB COPY

WP No. 781 of 2019



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-11-2025

CORAM

THE HONOURABLE MR.JUSTICE T. VINOD KUMAR

**WP No. 781 of 2019
and WMP No. 852 of 2019**

1. L.Palani

Petitioner(s)

Vs

1. The District Collector,
Office of District Collector of Thiruvannamalai,
Thiruvannamalai District,
Thiruvannamalai.

2.Revenue Divisional Officer,
Cheyyar, Thiruvannamalai District.

Respondent(s)

PRAYER

To call for the records of the 2nd respondent in impugned Proceedings Rc.No. A3/144/2014 dated 13.01.2014 passed by the 2nd respondent, and quash the same and consequently, permit the petitioner to rejoin duty/ service as Village Administrative Officer with all attendant/ consequential benefits.

For Petitioner(s): M/s.S.Sai Shankar and
V.Veluchamy

For Respondent(s): Mr. T.N. Chandrasekaran, SGP
-RR1 to 3
Mr.L.P. Shanmugasundaram
-RR4 & 5

ORDER

Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the first to third respondents and the learned



counsel for the 4th and 5th respondents.

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2.The case of the petitioner in brief is that pursuant to trap laid allegedly for accepting the bribe of Rs.2,500/- on 08.01.2014, he was placed under suspension vide the proceedings dated 13.01.2014 and since, then the suspension is being continued, which action of the respondent it is contended is contrary to G.O.Ms. No. 81 Human Resources (N) Department dated 04.08.2022.

3.It is the further case of the petitioner that the criminal prosecution lodged against him for the aforesaid offence of demanding bribe is registered as Special Case No. 3 of 2015 and the same is pending for examination of the witnesses therein; and that the respondent showing the pendency of the criminal proceedings, though have initiated departmental action in the year 2019 and the enquiry officer having submitted an enquiry report on 19.09.2019, have not passed any order and are continuing to place the petitioner's services under suspension.

4.Counter affidavit filed on behalf of the second respondent.

5.The second respondent by the counter affidavit contended that the



Vigilance and Anti-Corruption Department had initiated action by trapping the petitioner for demanding illegal gratification of Rs.2,500/- and arrested him on 08.01.2014 and registered an FIR 1 of 2014 under Section 7 of the Prevention of Corruption Act, 1988. The 2nd respondent by the counter affidavit further contended that, disciplinary action was initiated against the petitioner under Rule 17(b) of the Tamil Nadu Civil Services (Disciplinary and Appeal) Rules vide proceedings dated 09.10.2017. The second respondent by the counter-affidavit further submitted that though the enquiry officer appointed to enquire into the charges framed against the petitioner, conducted enquiry and submitted his report on 23.02.2023, the respondent authority did not proceed further with the disciplinary action, as the case filed by the Vigilance and Anti-Corruption Department against the petitioner numbered as Special Case No. 3 of 2015 on the file of the Chief Judicial Magistrate, Tiruvannamalai is still pending.

6.By the counter-affidavit, it is also contended that since, the disciplinary proceedings is deferred on account of the pendency of the criminal case, the respondents have paid subsistence allowance to the petitioner of the 50% of the last drawn salary vide a proceeding dated 27.01.2015. Since, the respondents are paying subsistence allowance in terms of Fundamental Rule 54, the petitioner cannot claim that this suspension cannot be continued for longer as the same is relatable to the prosecution initiated by the Vigilance and Anti-



Corruption Department.

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7.I have taken note of all their respective contentions.

8.A Division Bench of this Court in Writ Appeal (MD) 2400 of 2024 taking note of the G.O.Ms. No. 81, Human Resources Management (N) Department dated 04.08.2022, has held that placing an employee under prolonged suspension on the ground of pendency of criminal proceedings would do no good either to the institution or to the parties, as on account of continuous suspension of the employee, the Authorities are deprived from availing the service of the person, resulting in reduction of manpower. Further, the Government taking note of the fact that keeping a person under suspension for a longer period and not considering the representation submitted for revoking his suspension has an effect on the functioning of the Government, had issued G.O. Ms. No. 81 dated 04.08.2022, whereby, discretion is vested with the authority to consider as to whether the suspension is to be continued or revoked, including the concerned officer being posted in non-sensitive post or local post in consultation with appropriate investigating authority/vigilance commission on a case-to-case basis as detailed in Clause 11 (xi) of the aforesaid Government Order.



9. Since, in the facts of the present case, the petitioner having been placed under suspension on 13.01.2014, and the said suspension being continued even after a period of 11 years even though the enquiry officer has submitted an enquiry report on 23.02.2023, this Court is of the view that the respondent /authority is to be directed to take a decision on the enquiry report and also to take a decision as to whether suspension of the petitioner has to be continued or not in consultation with the appropriate investigating authority/vigilance commission as directed in G.O. Ms. No. 81 dated 04.08.2022.

10. Accordingly, the respondents are directed to take a decision on the enquiry report within a period of 12 weeks from the date of receipt of a copy of the order. Further, the respondents are also directed to consider the representation of the petitioner in consultation with the investigating authority/vigilance commission with regard to the continuation of the suspension of the petitioner for a further period in terms of G.O. Ms. No. 81 dated 04.08.2022 within a period of 8 weeks from the date of receipt of a copy of this order.



11. Subject to the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

27-11-2025

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

To

1. The District Collector,
Office of District Collector of
Thiruvannamalai, Thiruvannamalai
District Tiruvannamalai

2. Revenue Divisional Officer,
Cheyyar, Thiruvannamalai District



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