



WEB COPY



W.P.No.3832 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2025

CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P.No.3832 of 2025

A.Ravi
S/o. Late Adhimoolam
D.2 Police Quarters,
Narayanan Nagar,
Uthangarai Taluk,
Krishnagiri District.

... Petitioner

Vs.

1. The Deputy Inspector General of Police,
Salem Range,
Salem.

2. The Superintendent of Police,
District Police Office,
Krishnagiri District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of Writ of mandamus to direct the first respondent to dispose the representation of the petitioner dated 06.01.2025 and pass further orders.

For Petitioner : Mr.K.N.Pandian

For Respondents : Mr.V.Nanmaran
Additional Govt. Pleader



W.P.No.3832 of 2025

ORDER

WEB COPY

Heard Mr.K.N.Pandian, the learned counsel for the Petitioner and Mr.V.Nanmaran, the learned Additional Government Pleader for the respondents.

2. This writ petition has been filed to direct the first respondent to dispose the representation of the petitioner dated 06.01.2025.

3. A complaint has been filed against the petitioner under Section 7A of the Prevention of Corruption Act vide Cr.No.7/AC/2024. Subsequently, a trap was held on the same day and the petitioner was suspended from service through the first respondent's proceedings dated 02.10.2024 passed in proceedings No. RC.No.B2/127/5171/2024 R.No.231/2014, under Rule 3(e)(1)(ii) of the Tamil Nadu Police Subordinate Services (D&A) Rules. But so far charge sheet has not been filed. The petitioner has given a representation to the first respondent on 06.01.2025 and to the second respondent on 08.01.2025. Since his representations have not been considered so far, the present writ petition has been filed by the petitioner.

4. Mr.K.N.Pandian, the learned counsel for the petitioner, submitted that



W.P.No.3832 of 2025

as per the Government Order issued in *G.O.(Ms).No.81 Human Resources*

Management (N) Department dated 04.08.2022, the currency of a suspension order should not extend beyond three months and if the charge sheet has been served or not served on the delinquent employee, a reasoned order for extending the suspension should be passed. In the instant case the above proceedings have not been followed.

5. Mr.V.Nanmaran, the learned Additional Government Pleader, submitted that the above conditions will not be applicable to those matters in which a case has been registered under Prevention of Corruption Act and as per Section 11(ix) of *G.O.(Ms).No.81 Human Resources Management (N) Department dated 04.08.2022*.

6. In the recent judgment of the Hon'ble Supreme Court in ***Bhupinder Singh Vs. Unitech Ltd., & others*** reported in ***C.A.No.10856 of 2016***, it has been observed that even in the cases where criminal cases are registered and the employees are not subjected to criminal trial for want of completion of the investigation and the employee is continued to be kept under suspension for more than 6 months, as per rules he is entitled to get the subsistence allowance at the rate of 75% of the pay. The above allowance is paid from the



W.P.No.3832 of 2025

Government Exchequer without extracting any work from such individuals.

WEB COPY

7. By deploring the delaying attitude on the part of the Government machinery in completing the disciplinary proceedings / criminal proceedings, the Hon'ble Supreme Court has passed the order stating that if the reinstatement of an official is not an impediment or an obstruction in continuing the departmental proceedings, such types of officials can be reinstated. Even in cases of allegations of corruption, if immediate initiation of the disciplinary proceedings or criminal proceedings are not possible, then also the authorities can consider and pass appropriate orders for reinstating the individuals, in any of the insensitive posts.

8. In the light of the above observations, this writ petition is allowed and the first respondent is directed to consider the representation of the petitioner dated 06.01.2025 and pass appropriate orders by understanding the true spirit of the observations, within a period of two weeks from the date of receipt of a copy of this order. No costs.

05.02.2025

Index : Yes/No

Neutral citation : Yes/No

Speaking Order/Non-Speaking Order

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W.P.No.3832 of 2025

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1. The Deputy Inspector General of Police,
Salem Range,
Salem.
2. The Superintendent of Police,
District Police Office,
Krishnagiri District.



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W.P.No.3832 of 2025

R.N.MANJULA, J.

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W.P.No.3832 of 2025

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