



W.P.No.7239 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2025

Coram

THE HON'BLE MR JUSTICE C.V.KARTHIKEYAN

W.P.No.7239 of 2025 &
W.M.P.Nos.8054 & 8055 of 2025

L.Settu

... Petitioner

-Versus-

1.The Executive Engineer,
Water Resource Department,
Middle Pennaiyar Basin Division,
Tiruvannamalai.

2.The Assistant Executive Engineer,
Water Resource Department,
Sathanur Dam Sub-Division,
Sathanur Dam,
Tiruvannamalai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking Writ of Certiorari calling for the records relating to proceedings No.1582/EC2/F.Confidential/2024/Dated 30.09.2024 passed by the first respondent suspending the petitioner and quash the same.

For Petitioner : Mr.A.K.Rajaraman

*For Respondents : Mr.S.Yashwanth,
Additional Government Pleader*



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ORDER

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This writ petition has been filed in the nature of a certiorari calling for the records relating to the proceedings dated 30.09.2024 passed by the first respondent, by which proceedings the petitioner had been placed under suspension and to quash the said proceedings.

2. In the affidavit filed in support of this writ petition, it had been contended that the petitioner is aged about 57 years and according to the learned counsel for the petitioner, is on the verge of the retirement and working as a helper in the Water Resources Department - TNESS at Sathanur Dam, Tiruvannamalai. He had been arrayed as an accused, consequent to a complaint given by a neighbour. It is stated that FIR in Crime No.232 of 2024 had been registered on 25.09.2024 by the Sathanur Dam Police Station, Tiruvannamalai for offences punishable under Sections 329(4), 75(1)(i), 75(2), 76, and 351(3) of BNS, 2023. The petitioner had been named as the first accused in the FIR.

3. The learned counsel states that complaint had been lodged with malicious intent by the neighbour with whom the petitioner is already having a dispute. The learned counsel therefore states that the order, placing the petitioner under suspension particularly when the petitioner is on the verge of



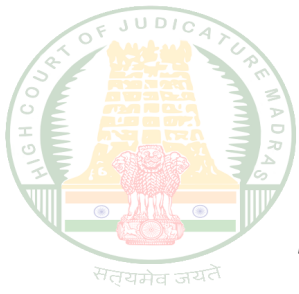
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retirement on attaining the age of superannuation, had caused much prejudice to

WEB COPY the petitioner herein. In this connection, the learned counsel has also placed reliance on the observation of a Division Bench Judgment in ***WA.No.1657 of 2019, (The Director General of Police, Tamil Nadu and another v. D.Jayakumar)***, wherein the Division Bench by judgment dated 31.07.2023 had examined the case of the respondent therein who had been placed under suspension consequent to a criminal case being registered against him and the appellants were of the opinion that the suspension order could be revoked or interfered with only after the conclusion of the criminal complaint.

4. The Division Bench had stated as follows in paragraph 12 and 13, which is relied on by the learned counsel for the petitioner:

“12.Moreover, the respondent employee is at the verge of his superannuation and within a short period since he is going to superannuate, before which some decision has to be taken by the appellants as to whether disciplinary action separately has to be taken against him, for which a charge has to be framed, otherwise on superannuation whether the services of the employee has to be retained for the purpose of taking disciplinary action in future depending upon the decision to be made by the Trial Court in the pending criminal case have to be decided, for the



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said purpose the reinstatement by revoking the suspension as directed by the learned Judge become inevitable.

13. In view of the aforesaid, we feel that the order passed by the learned Judge which is impugned herein cannot be said to be an erroneous one and therefore, the same has to be sustained.”

5. The distinguishing factor from the reasoning given by the Division Bench and the present case is that before the Division Bench, the criminal case was pending trial before the competent court. There could be a possibility for the trial never coming to an end over a period of time, even after the date of retirement of the respondent therein. But here consequent to the registration of FIR, the investigation is still pending and final report has not been filed.

6. Taking into consideration the nature of the offences particularly that the petitioner and his son are alleged to have barged into the house of the defacto complainant and molested her, it is only appropriate that the investigation is completed to give confidence to the defacto complainant. After the investigation is completed and the final report is filed, the respondents may take a considered decision with respect to the order of suspension. At this stage, I am not inclined to interfere with the same.



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7. The writ petition stands dismissed. No costs. Consequently, the connected miscellaneous petition are closed.

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Index : Yes/No

Speaking order/Non speaking order

Neutral Citation : Yes/No

To

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C.V.KARTHIKEYAN, J.

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