



WEB COPY

W.A.No. 925 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.A.No. 925 of 2025
and
C.M.P.Nos. 7831 & 7832 of 2025

S. Irulappan

Vs.

...Appellant

1. The Revenue Divisional Officer,
Arani Division
Thiruvannamalai District.

2. The Tahsildar,
Polur Taluk,
Thiruvannamalai District.

3. Inspector of Police,
Vigilance and Anti Corruption
Thiruvannamalai.

.... Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, against the order dated 24.02.2025 made in W.P.No.6357 of 2025.

For Appellant : Mr.L.P.Shanmugasundaram

For Respondents : Mr.T.Chandrasekaran

Special Government Pleader



J U D G M E N T

(Judgment of the Court was made by R.SUBRAMANIAN, J.)

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This appeal is against the dismissal of a writ petition, prayer in which was for issuance of a mandamus directing the 1st respondent to pass orders on the representation dated 07.10.2024, revoking suspension order dated 07.02.2024 was rejected by the writ Court.

2. The appellant was found guilty of accepting bribe and a First Information Report in Crime No.1 of 2024 was registered against him by the Vigilance and Anti Corruption Department, Tiruvannamalai. The appellant was arrested and remanded to judicial custody and was released on bail on 19.02.2024. The appellant was suspended pending investigation. The appellant sought for revocation of the suspension on the ground that six months period had lapsed. The learned single Judge dismissed the writ petition.

3. Mr.L.P.Shanmugasundaram, learned counsel for the appellant would draw our attention to the judgment of the Hon'ble Supreme Court in ***Bhupinder Singh Vs. Unitech Ltd., & Others*** wherein, the Supreme Court examined necessity for review of suspensions and observed as follows:-



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“13. That being so, it seems that the directions contained in paragraph 2 of the order dated 06.10.2021, if allowed to operate indefinitely, will be prejudicial to the State Exchequer and will hardly serve any purpose, until and unless the Competent Authority is of the considered opinion that the reinstatement of an official is likely to cause impediment in conducting a fair and impartial enquiry.

14. Consequently, we recall the directions contained in paragraph 2 of the order dated 06.10.2021 and leave it entirely to the discretion of the Competent Authority to examine all the cases of officers/officials, who are under suspension, pursuant to our above stated direction, and take an appropriate decision as to whether they should be reinstated or not. It goes without saying that if the Competent Authority finds that the reinstatement of any official will not be an impediment or obstruction in continuation of the Departmental proceedings, such an official can be reinstated without prejudice to the outcome of the Departmental action.”

4. In view of the same, while setting aside the order of the learned single Judge, we direct the Authority to review the suspension in the light of the observations of the Supreme Court in Paragraph 14 extracted above and pass appropriate orders. If the Authority feels continuance of suspension is necessary, it can pass orders accordingly.



5. This Writ Appeal is **disposed of** with the above observations. No cost. Consequently, connected miscellaneous petitions are closed.

(R.S.M., J.) (G.A.M., J.)
27.03.2025

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Index: No
Speaking order
Neutral Citation : No

To:

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