



WEB COPY



W.A.No.1242 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.A.No.1242 of 2025

and

C.M.P.No.9424 of 2025

L.Settu

... Appellant

Vs.

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

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

... Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent, praying to set aside the order passed in W.P.No.7239 of 2025 dated 04.03.2025.

For Appellant

: Mr.A.K.Rajaraman

For Respondents

: Mr.P.Ananda Kumar,

Government Advocate



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J U D G M E N T

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Challenge to the order of suspension, which was passed on the ground that the appellant was charged of offences under Indian Penal Code and was detained for more than 24 hours, was rejected by the writ Court leading to this appeal.

2. It is not in dispute that the appellant is facing a criminal charge under Sections 329(4), 75(1)(i), 75(2), 76 and 351(3) of the Bharatya Nyaya Sanhitha (BNS), 2023. The criminal case is stated to be pending. The petitioner would claim that he is aged 57 years and he is nearing the age of superannuation. Therefore, prolonged suspension cannot be up held by this Court.

3. If a Government employee is detained in prison for more than 24 hours, it leads to automatic suspension from service. The question as to whether the suspension must be continued or not is entirely within the discretion of the employer. The writ Court has adverted to the offences and had come to the conclusion that the offences are of very serious in nature, therefore, it cannot



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interfere with the discretion of the employer to continue the suspension.

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4. Though the learned counsel would attempt to dilute the seriousness of the offences complained of by claiming that it is a civil dispute which had led to the FIR, we are unable to accept his submission, in view of the seriousness of the offences that are complained of, namely, molestation of a women. We are for a moment not concluding on the charges made in the FIR, but, once a detention has happened and it has exceeded the 24 hours limit, continuance of suspension becomes the discretion of the Authority. We therefore do not think we can substitute the said discretion with ours. Hence, we see no error in the order of the writ Court.

5. The Writ Appeal fails and it is accordingly **dismissed**. No costs. Consequently, the connected miscellaneous petition is closed.

(R.S.M.,J.) (G.A.M.,J.)
21.04.2025

dsa

Index : No

Neutral Citation : No

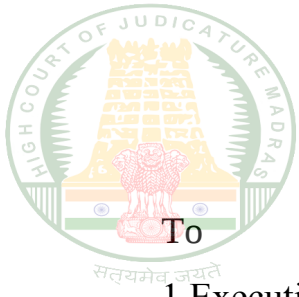
Speaking order



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To

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

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



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R.SUBRAMANIAN, J.
and
G.ARUL MURUGAN, J.

dsa

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21.04.2025