



W.P.No.18651 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2025

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THE HONOURABLE Mr.JUSTICE C.KUMARAPPAN

W.P.No.18651 of 2025

and

W.M.P.No.20888 of 2025

S.Vasanthakannan

... Petitioner

Vs.

1. The Government of Tamil Nadu,
represented by the Additional Chief Secretary to
Government Home (Prisons-1) Department,
Fort St.George,
Chennai – 600009.

2. The Director General of Prisons and
Correctional Services,
Chennai – 600008.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records to the impugned order of the first respondent in GO (2D) No.67, Home (Prison-1) Department dated 13.03.2025 and quash the same and direct the respondents to re-instate the petitioner in service with all attendant benefits.



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For Petitioner : Mr.P.Rajendran
For Respondents : Mr.G.Nanmaran,
Special Government Pleader

ORDER

The instant writ petition has been filed challenging the order of the first respondent in GO (2D) No.67, Home (Prison-1) Department dated 13.03.2025.

2. The learned counsel for the petitioner would submit that the petitioner is working as Additional Superintendent in Central Prison, Palayamkottai. A charge memo was issued against him under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules (hereinafter referred to as 'the Rule' for short), vide memo dated 19.09.2022. He would further submit that in pursuance of the charge memo, a disciplinary proceeding was initiated and that the Enquiry Officer has already submitted his report on 22.08.2024. However, after submitting the enquiry report, the first respondent has suspended the petitioner from service on 13.03.2025. The main contention put forth by the learned counsel for the petitioner is that according to Rule 17(e) of the Rule, suspension can be passed when the



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authorities are contemplating disciplinary proceedings or when a criminal offence is under investigation. Here is the case against the petitioner; the Enquiry Officer has already submitted the report. Therefore, the very suspension is fundamentally flawed.

3. The learned Government Advocate appearing for the respondents would strongly object to the above contention and would submit that according to Rule 17(e)(1) of the Rules, even when the disciplinary proceeding is pending, the disciplinary authority is competent enough to pass the suspension order. He would further contend that they yet to receive the enquiry report. Therefore, he prays to dismiss the instant Writ Petition.

4. I have given my anxious consideration to the submissions made on either side.

5. The main fulcrum of the petitioner to challenge the suspension order is that the suspension cannot be ordered after a regular disciplinary proceeding was initiated against the delinquent. In order to understand the position, I deem it appropriate to extract Rule 17(e) of the Rules, which reads



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as follows:

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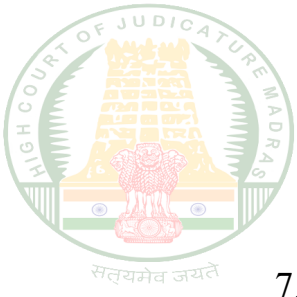
“(e) (1) A member of a service may be placed under suspension from service, where-

** (i) where-a disciplinary Proceedings against him is contemplated or is pending; or*

(ii) a case against him in respect of any criminal offence is under investigation, inquiry or trial.

**(vide G.O.Ms.No.29, P&AR (N) Department, dated 23.2.2011)”*

6. On harmonious reading of Rule 17(e) of the Rules, it makes it clear that the disciplinary authority can pass the suspension order not only when they are contemplating disciplinary proceedings, but even in a case where the disciplinary proceeding is pending, they are competent enough to pass a suspension order. In the case on hand, admittedly, even according to the petitioner, the disciplinary proceeding is pending and the enquiry report was submitted on 22.08.2024. If such being the fact, as per Rule 17(e)(i) of the Rules, during the pendency of the enquiry, the disciplinary authority has the power to suspend the delinquent. Therefore, this Court does not find any infirmity in the issuance of the suspension order against the petitioner.



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7. However, taking into consideration the issuance of the charge memo during 2022 and upon the fact that the enquiry has been completed on 22.08.2024, and since the petitioner had been suspended subsequent to the completion of the enquiry report on 13.03.2025, this Court deems it appropriate to direct the respondents to complete the disciplinary proceedings within a period of four months from the date of receipt of a copy of this order.

8. With the above directions, this Writ Petition is disposed of. Consequently, the connected Miscellaneous Petition is closed. No costs.

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Index : Yes/No

Speaking order /Non Speaking Order

Neutral Citation : Yes/No



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C.KUMARAPPAN, J.

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