



WP No.19537 of 2025

THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 29.05.2025

CORAM :

THE HONOURABLE MRS. JUSTICE T.V. THAMILSELVI

Writ Petition No.19537 of 2025

R. Gowrisankar

.. Petitioner

Versus

1. The District Collector,
Collectorate,
Salem District.

2. The Personal Assistant
to the District Collector (Development),
Salem,
Salem District.

3. The Block Development Officer,
Omalur,
Omalur Taluk,
Salem District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking issuance of Writ of Certiorarified Mandamus to call for the records pertaining to the order passed by the 2nd respondent in his Proceedings in Na.Ka. No.4385/2023/Thi3, dated 31.03.2023 and quash the same and direct the respondents to review the suspension order based on the representation dated 15.05.2025 in as per the Government Order vide G.O. Ms. No.81, Human Resources Management (N) Department, dated 04.08.2022.

For Petitioner : Mr.P. Ganesan

For Respondents : Mr.P. Balathandayutham
Spl. Govt. Pleader



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ORDER

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Mr. P. Balathandayutham, learned Special Government Pleader accepts notice for the respondents.

2. By consent of learned counsel on both sides, this writ petition is taken up for final hearing in the admission stage itself.

3. This writ petition has been filed challenging the suspension order, dated 31.03.2023 passed by the second respondent under which, the petitioner was suspended from service.

4. It is stated that the petitioner was initially joined services in Kollapatty Village Panchayat and later transferred to Sikkampatty Village Panchayat as Panchayat Secretary. While being so, based on a complaint, an FIR was registered in Crime No.02/AC/2023, dated 30.03.2023 on the file of the Inspector of Police, Vigilance and Anti-Corruption, Salem District, alleging that the petitioner demanded a sum of Rs.5,000/- as illegal gratification from the defacto complainant. A trap was laid and the petitioner was arrested and remanded to judicial custody on 30.03.2023. Due to which, he was suspended from service from the date of his arrest. Thereafter, the petitioner was served with a charge memo and the disciplinary proceedings is pending. The petitioner categorically contends that the charge memo issued against him is arbitrary and illegal.



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5. Learned counsel for the petitioner submitted that the investigation as against the petitioner in respect of the impugned suspension order is yet to be completed and final report is yet to be filed. Further, he pointed out that as per G.O. Ms. No.81, Human Resources Management (N) Department, dated 04.08.2022, the impugned order of suspension issued to the petitioner is unsustainable and the same is liable to be set aside.

6. The learned counsel for the petitioner drew the attention of this Court to the various orders passed by this Court in identical matters, by quoting the decision rendered by the Hon'ble Supreme Court in the case of *Ajay Kumar Choudhary v. Union of India, reported in (2015) 7 SCC 291* as well as to the decision rendered by the Hon'ble Full Bench of this Court in the case of *P.Kannan vs. Commissioner of Municipal Administration and others reported in (2022) 2 CTC 353* and as per G.O. Ms. No.81, Human Resources Management (N) Department, dated 04.08.2022. In the light of the above, he prays for quashment of the impugned suspension order, dated 31.03.2023 as well as for issuance of consequential directions.

7. At the outset, the learned counsel for the petitioner would submit that even though, the petitioner has challenged the suspension order in this



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writ petition, the petitioner will be satisfied if his representation seeking for revocation of suspension is considered by the respondents on merits and in accordance with law in the light of G.O. Ms. No.81, Human Resources Management (N) Department, dated 04.08.2022.

8. Per contra, Mr.P. Balathandayutham, learned Special Government Pleader appearing for the respondents submitted that he has no objection for issuance of appropriate directions by this Court to the respondents to consider the petitioner's representation, dated 15.05.2025, as per G.O. Ms. No.81, Human Resources Management (N) Department, dated 04.08.2022.

9. This Court perused the aforesaid G.O. Ms. No.81, Human Resources Management (N) Department, dated 04.08.2022.

10. On perusal of G.O. Ms. No.81, Human Resources Management (N) Department, dated 04.08.2022, it is noticed that the Government has issued certain guidelines for revocation of suspension orders through the said G.O. No prejudice would be caused to the respondents, if such a direction as prayed for by the learned counsel for the petitioner is issued by this Court.



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11. In view of the above, without going into the merits of the case, this writ petition is disposed of by directing the respondents to pass final orders on the petitioner's representation dated 15.05.2025 seeking for revocation of the impugned suspension order dated 31.03.2023 in the light of G.O. Ms. No.81, Human Resources Management (N) Department, dated 04.08.2022, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

12. With the above directions, this writ petition is disposed of. No costs.

29.05.2025

Internet: Yes/No
Index: Yes/No
Speaking/Non-speaking order
Neutral Citation : Yes/No
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T.V. THAMILSELVI, J.

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To:-

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