



WEB COPY

WA No. 2556 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 21-08-2025

CORAM

**THE HON'BLE MR JUSTICE R. SURESH KUMAR
AND**

THE HON'BLE MR.JUSTICE P. DHANABAL

W.A No. 2556 of 2025 AND

CMP NO. 20380 OF 2025

S.Saravanan,
S/o.R.Selvaraj, Irrigation Assistant, Peranmallur
Irrigation Division, O/o.The Assistant Executive
Engineer, Middle Penayaru Basin Sub Division, (WRO)
Cheyyar, Thiruvannamalai.

..Appellant

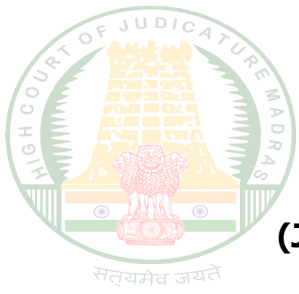
Vs

1. S. Saravanan,
S/o.R.Samudi, No.25/8, Poongavathu Amman Koil
Street, Thirupathur, Vellore-635 601.
2. The Secretary to Government,
Public Works Department, Fort St.George, Chennai-9
3. The Engineer-In-Chief,
Public Works Department (Buildings) , Chepauk,
Chennai-5.
4. The Engineer-In-Chief,
Water Resources Organisation and Chief Engineer
(General), Chepauk, Chennai-5
5. The Assistant Executive Engineer (Buildings),
(C and M) Sub-Division, Public Works Department,
Thirupathur, Vellore District

..Respondents

Prayer : Writ Appeal under Clause 15 of the Letters Patent to set aside the order dated 10.06.2025 made in W.P.No.1647 of 2019 by allowing this Writ Appeal and pass such further or other orders as this Honourable Court may deem fit and proper in the circumstances of the case and thus render justice.

For Appellant : Mr.S. Rajendrakumar
For Respondents : Mr. P. Anandakumar, Ga For R2 To R5



Judgment
(Judgment of the Court was delivered by R.Suresh Kumar J.)

This intra Court appeal has been directed against the order passed by the writ Court dated 10.06.2025 made in W.P.No.16471 of 2019.

2. The appellant herein, by name S.Saravanan, S/o R.Selvaraj born on 17.01.1974 and entered into service on 01.04.1995. The first respondent herein by name S.Saravanan, S/o R.Samudi, born on 05.07.1978 entered into service on 21.05.1996.

3. In this context, the respondent issued G.O.Ms.No.134 in the year 2010, whereby the persons who completed ten years of service had been listed out, where the name of the appellant / writ petitioner was shown at Sl.No.38. However, since the name of the appellant / writ petitioner as well as the first respondent is one and the same ie., S.Saravanan, the only difference could be identified on the basis of the father's name as well as date of birth, in this context there has been some confusion in the subsequent proceedings issued by the respondent Department. In order to rectify that anomaly, the appellant / writ petitioner seems to have given a request to the Department, which was acceded to and a Government Order was issued, whereby that mistake has been rectified. However, subsequently the first respondent S.Saravanan seems to have given a request that no mistake has been committed and that no anomaly has been committed and proceedings issued in this regard at the behest of the appellant is bad in law.



4. This triggered the official respondents to once again re-think the issue, and they came to the prima facie conclusion that the appellant / writ petitioner had committed a fraud by placing some documents with regard to the claim made by him on the basis of date of birth etc., In this context, in fact the official respondents had placed the writ petitioner under suspension by order dated 25.08.2021. Till date the suspension is in force.

5. Challenging the suspension order, the appellant / writ petitioner had approached the writ Court by filing a writ petitioner in W.P.No.18705 of 2021. The first respondent also filed a writ petition in W.P.No.1647 of 2019 seeking the quashment of the Government Order in G.O.No.1, Public Works Department dated 04.01.2012 which in fact was issued in favour of the appellant / writ petitioner.

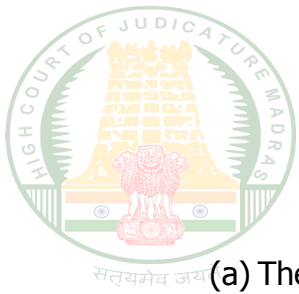
6. These two writ petitions came to be decided by a common order passed by the Writ Court through the impugned order dated 10.06.2025, whereby, the view taken by the writ Court insofar as the present appellant / writ petitioner is that, in order to establish the fact that his date of birth is 17.01.1974 and he entered into service on 01.04.1995 and in this context, the Government Order issued in his favour is a valid one, and all these issues can be established by once again approaching the employer ie., the official respondents herein, till such time the suspension is to be continued. This is the sum and substance of the order passed by the Writ Court as against which the present intra Court appeal has been directed.



7. At the admission stage, Mr.P.Anandakumar, learned Government Advocate takes notice for the official respondents. He would submit that even though the appellant had been placed under suspension with effect from 25.08.2021, so far no charge has been framed against him and in order to frame charge whether there has been prima facie case available against the appellant / writ petitioner, the department decided to have a preliminary enquiry and once preliminary enquiry is over, then only it would be made known as to whether the Department is going to initiate disciplinary proceedings against him by framing definite charges or not.

8. In these circumstances, we deem it appropriate to dispose this writ appeal without giving notice to the first respondent because, in view of the order that we are going to pass, no prejudice would be caused to the first respondent who also filed another writ petition, which is not challenged before us.

9. It is the stand of the official respondents as projected by the learned Special Government Pleader is that so far no charge has been framed against the appellant and only preliminary enquiry is intended to be conducted. When that being the position, keeping the appellant under suspension for nearly about four years ie., from 25.08.2021 is a waste to the exchequer as without drawing any work from the appellant if he is continuously kept under suspension even without contemplating any departmental proceedings so far may not be justifiable. In that view of the matter, we are inclined to dispose of this writ appeal with the following order:



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- (a) The suspension order dated 25.08.2021 shall be revoked forthwith ie., within a period of two weeks from the date of receipt of a copy of this order.
- (b) However, revocation of suspension order and reinstatement of the writ petitioner / appellant would not preclude the official respondents either to conduct the preliminary enquiry or to frame the charges, if they are advised to do so, on the materials available against the appellant and in that case, the relevant service regulations are to be strictly complied with.
- (c) Insofar as the dispute that has arisen pursuant to the Government Order in G.O.No.1 dated 04.01.2012 is concerned, we are not expressing any view as that will go to the root of the *inter se* claim between the appellant and the first respondent, which would be decided later at appropriate proceedings or in any intra court appeal proceedings by way of appeal, if it is filed by the first respondent.
- (d) Insofar as the other part of the order of the writ Court dated 10.06.2025 mainly touching upon the issue in the writ petition filed by the first respondent in W.P.No.18709 of 2021 is concerned, we have not expressed any view.

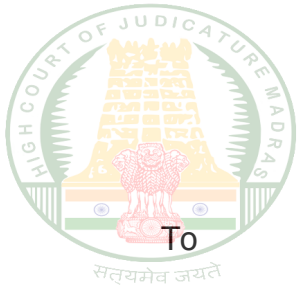


10. With the above directions and observations, this writ appeal filed against the order dated 10.06.2025 made in W.P.No.1647 of 2019 is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

(R.S.K.,J.) (P.D.B.,J.)
21-08-2025

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

KST



1. The Secretary to Government,
Public Works Department, Fort St.George, Chennai-9
2. The Engineer-In-Chief,
Public Works Department (Buildings) , Chepauk,
Chennai-5.
3. The Engineer-In-Chief,
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