



W.P. No.32647 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 08.09.2025

CORAM:

THE HON'BLE MR. JUSTICE A.D. JAGADISH CHANDIRA

W.P. No.32647 of 2025

and

W.M.P. Nos.36563 to 36565 of 2025

N. Nataraj

.... Petitioner

VS.

The Executive Officer,
Suleeswaranpatti Town Panchayat,
Coimbatore District.

.... Respondent

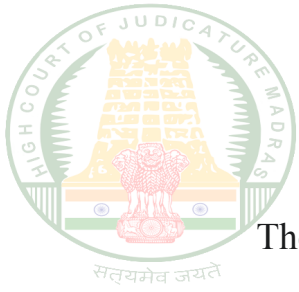
Prayer : Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Certiorarified Mandamus, to call for the records of the respondent in its suspension order Roc. No.500/2023, dated 02.09.2023 and quash the same and consequently direct the respondent to reinstate the petitioner and transfer him to a non-sensitive post.

For petitioner : Mr.V. Vijaya Shankar

For respondent : Mr.C. Selvaraj

Additional Government Pleader

ORDER



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The order of suspension issued by the respondent in proceedings dated 02.09.2023 is under challenge in this writ petition and consequential direction to the respondent to reinstate the petitioner and transfer him to a non-sensitive post is also sought.

2. It is stated by the petitioner that during the year 2001, he joined as Water Meter Reader in the respondent town Panchayat. On account of an allegation of demanding and acceptance of bribe in respect of a building plan approval, a criminal case was registered against the writ petitioner by the Department of Vigilance and Anti Corruption and accordingly, he was placed under suspension in proceedings dated 02.09.2023. Since the said suspension continued for a long period of time, he was constrained to approach this Court by way of writ petition viz., W.P. No.34171 of 2023. This Court disposed of the said writ petition directing the respondent to consider his representation for revocation. However, the representation was rejected and the suspension was continued. Subsequently, he filed another W.P. No.25127 of 2024, wherein he sought a prayer to consider the representation with regard to enhancement of subsistence allowance paid to him. This Court, by order dated 02.09.2024, disposed of the writ petition and directed the respondents to consider the petitioner's request for enhancement of subsistence allowance. However, it is the grievance of the petitioner that the said request was once again rejected by

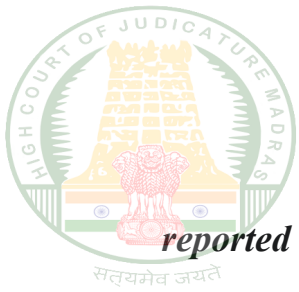


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the respondent vide order dated 30.10.2024. Left with no other efficacious remedy, the petitioner has approached this Court by filing the present writ petition with the aforesaid prayer.

3. Learned counsel for the petitioner submitted that the petitioner has been under suspension for nearly two years from 02.09.2023. Referring to G.O. Ms. No.81, Human Resources Management (N) Department, dated 04.08.2022, he contended that prolonged suspension, particularly when there is no fault attributable to the petitioner, is bad in law. He further submitted that, till date, no charge sheet has been filed by the Vigilance and Anti-Corruption Cell in respect of the criminal case, nor has any charge memo been issued on the departmental side. In such circumstances, he contended that the petitioner is entitled to be reinstated pending disposal of the criminal case as well as the departmental disciplinary proceedings. Accordingly, he prayed that this writ petition be allowed by quashing the suspension order dated 02.09.2023 and directing the respondent to reinstate the petitioner in service, by posting him to a non-sensitive post, in the light of G.O. Ms. No.81, Human Resources Management (N) Department, dated 04.08.2022.

4. In support of his contention, he relied upon a decision of this Court in the case of *S. Seetharaman vs. The Commissioner of Police, Chennai*,

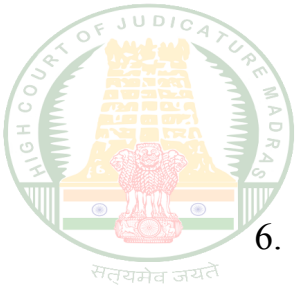


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reported in 2016 SCC Online Mad 29162, wherein it has been held that the

currency of a suspension order should not extend beyond three months if, within this period, the memorandum of charges / charge-sheet is not served on the delinquent officer / employee; if the memorandum of charges / charge sheet is served, a reasoned order must be passed for the extension of suspension. In the light of the above, he prays for appropriate directions.

5. Per contra, Mr. C. Selvaraj, learned Additional Government Pleader appearing for the respondent, relied upon the counter affidavit and submitted that the petitioner had demanded and accepted illegal gratification and, pursuant to the trap and arrest, was remanded to judicial custody. He further submitted that reasonable time is required for the Vigilance and Anti-Corruption authorities to complete the investigation, as several witnesses are to be examined and relevant documents have to be scrutinized. He also submitted that charges under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules have already been framed, and in such circumstances, the request for enhancement of subsistence allowance cannot be considered and vehemently opposed the contention of the petitioner. On the above grounds, it was contended that the present writ petition, being premature, is liable to be dismissed.

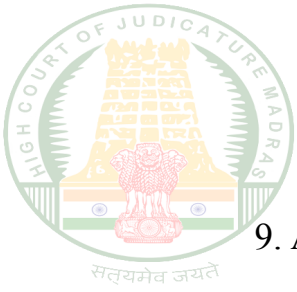


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6. This Court has carefully considered the submissions of the learned counsel appearing on either side and perused the materials available on record.

7. On a perusal of G.O. Ms.No.81, Human Resources Management (N) Department, dated 04.08.2022, it is evident that certain guidelines have been issued therein with regard to revocation of suspension orders. The said G.O. reiterates that each stage in the disciplinary / investigative process should be completed within the stipulated time frame so as to avoid inordinate delay. The object and purpose of the said G.O. is to ensure that a Government servant is not kept under prolonged suspension without justification, and that such orders are subjected to periodic review. It is also pertinent to note that the continued payment of subsistence allowance without extracting any work would result in financial loss to the State exchequer. Further, an employee under suspension is precluded from seeking any other employment, which would cause serious prejudice and hardship to him

8. Considering the facts and circumstances of the case, specifically G.O. Ms. No.81, Human Resources Management (N) Department, dated 04.08.2022, this Court is of the considered view that the petitioner shall be reinstated into service and he may be posted in a non sensitive post, till the conclusion of criminal trial and conclusion of departmental proceedings.



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9. Accordingly, the Proceedings dated 02.09.2023 is hereby quashed and

the respondent is directed to reinstate the writ petitioner and post him in any one of the non-sensitive posts till the conclusion of the departmental proceedings as well as the criminal trial.

10. In fine, the writ petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

08.09.2025

Speaking order / Non speaking order

Neutral citation : Yes / No

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To

The Executive Officer,
Suleeswaranpatti Town Panchayat,
Coimbatore District.

A.D. JAGADISH CHANDIRA, J.

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