



W.P.No.31778 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2025

CORAM

THE HONOURABLE MS. JUSTICE P.T. ASHA

W.P.No.31778 of 2023

K.Kaviyarasu

...Petitioner

Vs.

1. The District Collector,
Krishnagiri District,
Krishnagiri

2. The Revenue Divisional Officer,
Krishnagiri

...Respondents

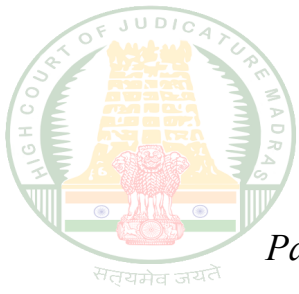
PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records on the file of the 2nd respondent in Pa.Mu.4066/2018/A, dated 20.04.2023 and quash the same.

For Petitioner : Mr. P.Kannankumar
For R1 and R2 : Mr. G.Nanmaran,
Special Government Pleader

ORDER

The writ petition is filed for the below relief:

" to call for the records on the file of the 2nd respondent in



W.P.No.31778 of 2023

Pa.Mu.4066/2018/A, dated 20.04.2023 and quash the same."

WEB COPY

2. The brief facts which are culminated in the filing of the writ petition are set out below:

2.1. It is the case of the petitioner that he was appointed as Village Administrative Officer in Alekundani village in Krishnagiri District by direct recruitment through TNPSC and order was issued on 09.04.2012 by 2nd respondent.

2.2 By proceedings dated 17.12.2014 in R.O.C.No. 4897/2014(A) dated 17.12.2014, the 2nd respondent had placed the petitioner under suspension by invoking sub Rule (e) of Rule 17 of Tamil Nadu Civil Services (D & A) Rules (hereinafter called the Rules). Thereafter, by proceedings dated 14.09.2015, the 2nd respondent had revoked the petitioner's suspension and issued posting orders at Marichettihalli-1 village and he was working at Thurinjipatti village, Uthangarai Taluk, Krishnagiri District at the time of filing of this writ petition.

2.3 By proceedings bearing Na.Ka.4066/2018/A, dated 24.09.2018, the



W.P.No.31778 of 2023

2nd respondent had issued a charge memo setting out three charges. The Enquiry Officer by his proceedings in Na.Ka.2020 dated 29.04.2020 had submitted an enquiry report to the 2nd respondent stating that the charges leveled against the petitioner had not been proved and there was no evidence or document to substantiate the same and recommended that the petitioner shall be discharged from the charges. Thereafter, the 2nd respondent by independently examining the charges had passed an order dated 20.04.2023 holding that the charge No.3 had been proved against the said order. The petitioner had filed an appeal before the District Revenue Officer on 10.08.2023. Despite the appeal having been filed before the District Revenue Officer, the petitioner has been imposed with stoppage of increment for six months without cumulative effect on the ground of violation of services law jurisprudence and natural justice by imposing punishment without issuing notice and getting explanation from the petitioner. The petitioner has also challenged this order by filing this writ petition on the ground that no notice was issued by the respondent calling for objections from the petitioner, when the 2nd respondent had decided to ignore the enquiry report and passed an independent order. According to the petitioner, this is a gross violation of the



W.P.No.31778 of 2023

rules and therefore the same needs to be set aside.

WEB COPY

3. A counter affidavit had been filed by 2nd respondent refuting the contentions of the petitioner. The Special Government Pleader appearing for the respondent would submit that petitioner has moved two forums challenging the very same order, one before the District Revenue Officer and another before this Court and therefore this Writ Petition is not maintainable. The counter does not address the main grievance of the petitioner that he was not heard and his objections were not taken into consideration before the 2nd respondent had passed the Order.

4. Heard the learned counsels on either side and perused the records.

5. Admittedly, the enquiry Officer had held that the charges had not been proved. The 2nd respondent sought to differ from this finding but before passing an order of punishing the petitioner, no notice has been issued to the respondent and his explanation sought for. The provisions of the Tamil Nadu Civil Services (D & A) Rules clearly envisages the issue of notice and explanation being called for before the disciplinary authority issues orders.



W.P.No.31778 of 2023

WEB COPY

6. A reading of the provisions under Section 17(e) of the Tamil Nadu

Civil Services (D & A) Rules are as below:

17(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;

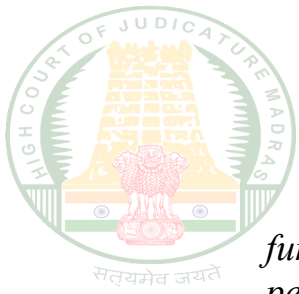
or

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

(2) A Government servant who is detained in custody whether on a criminal charge or otherwise, for a period longer than forty-eight hours shall be deemed to have been suspended under this rule.

(3) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon a Government servant under suspension is set aside in appeal or on review under these rules and the case is remitted for further inquiry or action or with any other directions, the order of his suspension shall be deemed to have continued in force on and from the date of the original order of dismissal, removal or compulsory retirement and shall remain in force until further orders.

(4) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon a Government Servant is set aside or declared or rendered void in consequence of or by a decision of a Court of law and the disciplinary authority, on a consideration of the circumstances of the case, decides to hold a



W.P.No.31778 of 2023

WEB COPY

further inquiry against him on the allegations on which the penalty of dismissal, removal or compulsory retirement was originally imposed, the Government servant shall be deemed to have been placed under suspension by the appointing authority from the date of the original order of dismissal, removal or compulsory retirement and shall continue to remain under suspension until further orders.

Provided that no such further inquiry shall be ordered unless it is intended to meet a situation where the Court of law has passed an order purely on technical grounds without going into the merits of the case.

(5) Where a Government servant is suspended or is deemed to have been suspended (whether in connection with any disciplinary proceedings or otherwise) and any other disciplinary proceedings are commenced or any other criminal complaint is under investigation or trial against him during the continuance of that suspension, and where the suspension of the Government servant is necessary in public interest as required under clause (1), the authority competent to place him under suspension may, for reasons to be recorded by him in writing, direct that the Government servant shall continue to be under suspension until the termination of all or any of such proceedings including departmental proceedings taken on the basis of facts which led to the conviction in a Criminal Court.

(6) An order of suspension made or deemed to have been made under this rule may at any time be revoked by the authority which made or is deemed to have made the order or by any authority to which that authority is subordinate.

7. Admittedly, in this case, such an exercise has not been conducted.



W.P.No.31778 of 2023

Therefore, the impugned order which has been passed without following procedures has to necessarily be set aside.

8. With the above observation, this Writ Petition stands allowed and the impugned order dated 20.04.2023 is set aside. Consequently connected miscellaneous petition is closed. No costs.

13.08.2025

Shl

Index : Yes/No

Internet : Yes/No

Speaking Order/Non-Speaking Order

Neutral Citation Case : Yes/No

To

1. The District Collector,
Krishnagiri District,
Krishnagiri
2. The Revenue Divisional Officer,
Krishnagiri



WEB COPY



W.P.No.31778 of 2023

P.T.ASHA J.

shl

W.P.No.31778 of 2023

13.08.2025