



W.P. No.35098 of 2025

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED: 18.09.2025

CORAM:

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

W.P. No.35098 of 2025

and

W.M.P. Nos.39292 and 39295 of 2025

T. Anbarasan

.... Petitioner

vs.

The District Revenue Officer,  
Collector's Office,  
Erode District,  
Erode.

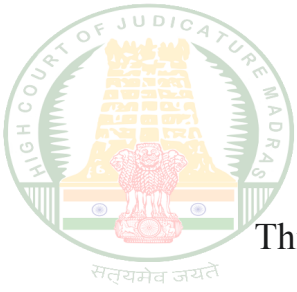
.... Respondent

**Prayer :** Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Certiorarified Mandamus, calling for the records relating to the respondent vide Rc. No.3243/2023/A4 dated 17.2.2023 and proceedings No.Na.Ka.3243/2023/A4, dated 31.7.2023 and to quash the same and direct the respondent to reinstate the petitioner in service with all attendant benefits.

For petitioner : Mr.S. Vijayakumar  
Senior Advocate  
Assisted by Mr.J. Melwin Jabaz

For respondent : Mr.R.U. Dinesh Raj Kumar  
Addl. Govt. Pleader

**ORDER**



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This writ petition has been filed challenging the order of suspension passed by the respondent on 17.02.2023 and the Proceedings dated 31.07.2023 and for a direction to the respondent to reinstate the petitioner into service with all attendant benefits.

2. It is stated by the petitioner that he joined in the Revenue Department as Steno Typist in the year 2012 and subsequently, he got promoted to the rank of Senior Revenue Inspector and served in various positions. While so, in the year 2023, a criminal case came to be lodged based on a complaint given against the petitioner and an FIR was registered and the petitioner was arrested and remanded to judicial custody on 15.02.2023. Thereafter, the suspension order came to be passed by the respondent on 17.02.2023. Subsequently, an order of rejection of the petitioner's request for revocation of suspension was also issued by the respondent on 31.07.2023.

3. The suspension order continued for a long time and therefore, the petitioner approached this Court and filed a writ petition being W.P. No.4936 of 2024) seeking a direction to the respondent to revoke the suspension order. This Court, by order dated 28.02.2024, dismissed the writ petition as being devoid of merits. Later, challenging the consequential rejection order passed by the respondent on 31.07.2023, the petitioner again approached this Court by



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way of a writ petition being, W.P. No.17470 of 2024. This Court, vide order

dated 08.11.2024, disposed of the said writ petition with a direction to the Chief Judicial Magistrate of Special Judge Court, Erode to complete the trial within a period of three months. Further, there was a direction to the respondent to complete the enquiry against the charge memo issued to the petitioner based on the judgement of the trial Court. Hence, both the original order and the subsequent order have become subject matter of challenge in the present writ petition.

4. Mr.S. Vijayakumar, learned Senior Advocate appearing on behalf of the petitioner submitted that the petitioner has been kept in suspension from the year 2023 onwards and till date, no positive order is issued to revoke the suspension order. Further, he submitted that the petitioner cannot be kept under suspension for such a prolonged period and the learned Senior Counsel relied upon a judgment dated 23.01.2025 of the Hon'ble Supreme Court in the case of ***Bhupinder Singh vs. Unitech Ltd., & Ors in Civil Appeal No.10856 of 2016***, particularly pointing out paragraphs Nos.12, 13 and 14 in support of his contention.

5. Mr.R.U. Dinesh Raj Kumar, learned Additional Government Pleader appearing on behalf of the respondent submitted that the petitioner was caught



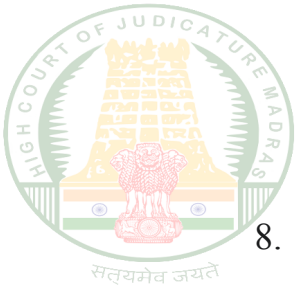
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red handed while receiving bribe and he was arrested and remanded to judicial custody. Therefore, the suspension order came to be passed against the petitioner. This suspension order was again reviewed and it was found that the same cannot be suspended or revoked in view of the serious criminal charges against the petitioner under the Prevention of Corruption Act.

6. He vehemently argued that considering the seriousness of the offences committed by the petitioner and also the fact that the District Court is yet to complete the trial, the suspension order may not be interfered with at this stage. He further submitted that very many steps have been taken by the respondent to reconsider the suspension order issued to the petitioner, but keeping in mind the seriousness of the charge, the respondent has decided not to revoke the suspension order, whereas the petitioner is approaching this Court again and again for the same relief, which is hit by *res judicata*. In view of the above, he prays for dismissal of this writ petition.

7. At this juncture, learned counsel for the petitioner submitted that it would suffice, if a direction is issued by this Court to consider the earlier representation submitted by the petitioner in the light of G.O. Ms. No.81, Human Resources Management(N) Department, dated 04.08.2022, considering the prolonged suspension of the petitioner.



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8. This Court has carefully considered the submissions made on either side and perused the entire materials available on record.

9. From the records as well from the aforesaid submissions, it is evident that the petitioner has been placed under suspension, since February, 2023 and he is being paid subsistence allowance without any work being extracted. At this juncture, it will be relevant to take note of the judgment passed by this Court in **Bhupinder Singh's** case, referred to supra, wherein, the Supreme Court had an occasion to consider the entire aspect of the issue on hand. The relevant portion of the judgment is extracted hereunder:

*12. There can hardly be any dispute that on expiry of six months period of suspension, ordinarily a Government official would become entitled to subsistence allowance at the rate of 75% of the pay, save and except when such subsistence allowance has to be denied for some valid reasons. We, thus, proceed on a premise that most of the suspended officers / officials are now receiving 75% pay without having to perform any work. Additionally, considering charge sheets have been issued very recently in October, 2024, we can safely infer that the conclusion of the departmental proceedings will take some reasonable time. Similarly, the criminal proceedings, pending against the suspended officials, are also not likely to reach to a logical conclusion within a short time.*



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*13. That being so, it seems that the directions contained in paragraph 2 of the order dated 06.10.2021, if allowed to operate indefinitely, will be prejudicial to the State Exchequer and will hardly serve any purpose, until and unless the Competent Authority is of the considered opinion that the reinstatement of an official is likely to cause impediment in conducting a fair and impartial enquiry.*

*14. Consequently, we recall the directions contained in paragraph 2 of the order dated 06.10.2021 and leave it entirely to the discretion of the Competent Authority to examine all the cases of officers / officials, who are under suspension, pursuant to our above stated direction, and take an appropriate decision as to whether they should be reinstated or not. It goes without saying that if the Competent Authority finds that the reinstatement of any official will not be an impediment or obstruction in continuation of the Departmental proceedings, such an official can be reinstated without prejudice to the outcome of the Departmental action.*

10. On a perusal of the above judgment, it is clear that even in cases involving corruption, the delinquent employee cannot be kept under suspension for an unspecified period without extracting any work from him, which would cause great loss to the State exchequer. In such view of the matter, this Court is of the considered view that a periodical review of suspension order issued to the petitioner in the light of G.O. Ms. No.81, Human Resources Management(N)



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Department, dated 04.08.2022 is necessary. Therefore, this Court is inclined to give a direction to the respondent to revoke the order of suspension and post the petitioner in a non-sensitive post in any district, so that the work and pay concept is given effect to.

11. For the aforesaid reasons, this writ petition is disposed of, by directing the respondent to pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order, either revoking the order of suspension and posting the petitioner in a non-sensitive post or reviewing the suspension order in the light of G.O. Ms. No.81, Human Resources Management(N) Department, dated 04.08.2022 as well as the decision rendered by the Hon'ble Supreme Court in **Bhupinder Singh's** case, referred to above. No costs. Consequently, connected miscellaneous petitions are closed.

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

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**A.D. JAGADISH CHANDIRA, J.**

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To

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Erode District,  
Erode.

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