



W.P.No.47033 of 2025

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M.DHANDAPANI, J.

This matter is listed today under the caption ‘for being mentioned’.

2. This Court, by its order dated 05.12.2025 while dismissed this Writ Petition, gave a direction to the respondents to pay subsistence allowance to the petitioner. However, the same was not recorded in the said order dated 05.12.2025.

3. Hence, paragraph 9 of the order made in W.P.No.47033 of 2025 dated 05.12.2025 stands modified as follows:-

“9. In the result, the Writ Petition is dismissed. However, the respondents are directed to pay subsistence allowance to the petitioner, if he otherwise eligible. No costs. Consequently, connected miscellaneous petitions are closed.”

4. Registry is directed to carryout the said correction and issue fresh order copy to the parties.

27.02.2026

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W.P.No.47033 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.12.2025

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.47033 of 2025

and

W.M.P.Nos. 52551 & 52553 of 2025

P.Mani

... Petitioner

Vs.

1.The Commissioner / Director,
Directorate of Backward Classes
Welfare Department,
Ezhilagam, Chepauk,
Chennai – 5.

2.The District Backward Classes and Minorities
Welfare Officer,
Collectorate Campus, Thirupur.

....Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order in Na.Ka.No.DBC/515/2025-A2-2 & Proc.DBC/515/2025-A2-1 dated 22.09.2025 issued by the 1st respondent to quash the same as illegal.



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For Petitioners : Mr.R.Lakshmanan

For Respondents : Mr.K.Surendran
Additional Government Pleader

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ORDER

This Writ Petition has been filed challenging the impugned order dated 22.09.2025 issued by the 1st respondent, suspending the petitioner from service.

2. With the consent of the learned counsel appearing on either side, this Writ Petition is taken up for disposal at the admission stage.

3. The learned counsel appearing for the petitioner would submit that the petitioner was working as Assistant in the Office of the District Minorities Welfare Office, While so, one Saravanan filed a private complaint in Crime No.826 of 2024 on the file of the Judicial Magistrate – I, Karur and thereby, the Law Enforcing Agency registered a case in Crime No.126 of 2025 for the offences under Section 318(4) of the BNSS Act, pursuant to which, the present impugned suspension order and charge memo was issued to the petitioner.



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4. The learned counsel for the petitioner would further submit that in the case of the said Saravanan is that the petitioner received several amounts from innocent public by giving promises to provide free house sites to the individuals and for which, the petitioner collected R.5,05,000/- from the public. However, the petitioner is only an Assistant in the District Minority Welfare Office and he did not have a power to issue such house sites certificate in favour of the poor people. It is the power of the Tahsildar for issuing such certificate and for making allegation against the petitioner is not acceptable one and challenging the FIR in Crime No.156 of 2025, the petitioner filed CrI.O.P.No.(MD).No.10611 of 2025 for quashing FIR and the petitioner was placed under suspension on 22.09.2025. He would further submit that till date, the suspension order was revoked and this Court may issue a direction to the respondents to post the petitioner in insensitive area and extract work from the petitioner and pass appropriate orders. He would further submit that on date of occurrence, the petitioner is not at all working the place.



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5. The learned Additional Government Pleader appearing for the respondents would submit that the allegation as against the petitioner is that the petitioner received huge amount from general public by promising to provide a free house sites to the general public thereby, the charge memo was issued on 22.09.2025 and pending charge memo, the petitioner was placed under suspension to facilitate the enquiry at the earlier. He would further submit the suspension cannot be challenged when there is no public interest involved in this matter so as to revoke the suspension.

6.I have given my anxious consideration to the submissions made on both side.

7.Though the learned counsel appearing for the petitioner heavily relied upon G.O.Ms.No.81, Human Resources Management (N) Department, dated 04.08.2022, the same was issued in pursuance of the decision of the Hon'ble Supreme Court in the decision reported in (2015) 7 SCC 291 [Ajay Kumar Choudhary Vs. Union of India], whereas, this Court by way of Full Bench decision has clarified that continued suspension must be reviewed



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based on facts of each individual case.

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8.In the case on hand, it is the stand of the disciplinary authority that the petitioner has received amounts from the general public in the name of providing free house sites. Therefore, being a person in service, during the pendency of the criminal proceedings, if he is reinstated, it would give a wrong example. The submissions made by the learned Additional Government Pleader is well merited. As rightly contended by the learned Additional Government Pleader, there is no public interest involved in revoking the suspension of the petitioner. In such view of the matter, this Court do not find any merits in the writ petition at this stage.

9.In the result, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

05.12.2025

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No
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To

- 1.The Commissioner / Director,
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Ezhilagam, Chepauk,
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- 2.The District Backward Classes and Minorities
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