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W.P.No.46782 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2025

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.46782 of 2025

And

W.M.P.Nos.52214 and 52217 of 2025

A.Subramaniyan

... Petitioner

Vs.

1.The Secretary,
Commercial Taxes and Registration (E1) Department,
Secretariat,
Chennai – 9.

2.The Additional Chief Secretary,
Commercial Taxes and Registration (E1) Department,
Secretariat,
Chennai – 9.

3.The Director,
Directorate of Vigilance and Anti-Corruption,
MKN Road, Collectors Nagar,
Alandur,
Chennai – 600 016.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relating to initial order of suspension issued by the second respondent herein in G.O.(D) No.393 dated 26.10.2017 and order extending the



W.P.No.46782 of 2025

suspension of the petitioner issued by the first respondent vide order in G.O. (D) No.318 dated 17.10.2025, quash the same and consequently issued direction to the respondents 1 and 2 herein to reinstate the petitioner in any non-sensitive post forthwith pending disciplinary enquiry in the light of Government Order in G.O. (Ms) No.81 dated 04.08.2022 issued by the Human Resources Management (N) Department.

For Petitioner : Mr.G.Mageshkumar

For Respondents : Mr.TNC.Kaushik for R1 and R2
Additional Government Pleader (Tax)
Mr.P.Balathandayutham for R3
Special Government Pleader

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus calling for the records relating to initial order of suspension issued by the second respondent in G.O.(D) No.393 dated 26.10.2017 and order extending the suspension of the petitioner issued by the first respondent vide order in G.O. (D) No.318 dated 17.10.2025, quash the same and consequently issue direction to the respondents 1 and 2 to reinstate the petitioner in any non-sensitive post forthwith pending disciplinary enquiry in the light of



W.P.No.46782 of 2025

Government Order in G.O. (Ms) No.81 dated 04.08.2022 issued by the Human Resources Management (N) Department.

2.The learned counsel appearing for the petitioner submitted that the petitioner joined as Junior Assistant in the Commercial Taxes Department at Kancheepuram on 27.10.1994. The petitioner was promoted as Assistant Commissioner, Commercial Taxes with effect from 03.02.2016. Based on the complaint lodged by one Senthilvel alleging that the petitioner demanded illegal gratification of Rs.4,000/- and the Deputy Commercial Tax Officer demanded a sum of Rs.1,500/- for issuance of Registration Certificate of TVL.S.V.Projects run by the said Senthilvel, an FIR was registered in Crime No.10/2016/AC/HQ, for the offence under Section 7 of the Prevention of Corruption Act, 1988. Consequently, the order dated 26.10.2017 was issued by the second respondent suspending the petitioner from service with effect from 21.12.2016 and thereafter the suspension was extended. The learned counsel further submitted that the petitioner is under prolonged suspension which is not sustainable one.

3.The learned Additional Government Pleader appearing for



W.P.No.46782 of 2025

the respondents 1 and 2 submitted that after filing of the final report by the Investigating Officer, the case registered against the petitioner has been taken cognizance in Special Case No.4 of 2019 on the file of the Chief Judicial Magistrate, Tiruvallur. Already the petitioner filed W.P.No.6427 of 2024 seeking direction to the Principal Secretary/ Commissioner of Commercial Taxes to defer holding of disciplinary enquiry till conclusion of the criminal case and this Court vide order dated 13.03.2024 issued direction to the respondents therein to keep the disciplinary proceedings in abeyance for a period of three months and directed the petitioner to co-operate for trial and to proceed with the disciplinary proceedings against the petitioner after the aforesaid period.

4.The allegation against the petitioner is that the petitioner demanded illegal gratification of Rs.4,000/- for issuance of Registration Certificate, for which a criminal case has been registered against the petitioner and the same is pending trial in Special Case No.4 of 2019 on the file of the Chief Judicial Magistrate, Tiruvallur. When the trial in Special Case No.4 of 2019 is pending on the file of the Chief Judicial Magistrate, Tiruvallur, allowing the petitioner to join the service by revoking the suspension is not sustainable one.



W.P.No.46782 of 2025

WEB COPY

5.The writ petition is dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

03.12.2025

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Index: Yes/ No

Speaking Order: Yes/ No

NCC: Yes/ No

To

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Chennai – 9.
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