



W.A(MD) Nos.544 & 648 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 16.07.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

**W.A(MD) Nos.544 & 648 of 2025
and
C.M.P.(MD)Nos.4173 & 4616 of 2025**

- 1.The Inspector General of Registration,
Office of Inspector General of Registration,
100, Santhome High Road,
Raja Annamalaipuram,
Chennai-28.
 - 2.The Deputy Inspector General of Registration,
Tanjore,
Tanjore District.
 - 3.The District Registrar,
District Registrar Office,
Pudukkottai,
Pudukkottai District.
 - 4.The District Registrar (Admin)
District Registrar Office,
Pattukottai,
Tanjore District.
- ... Appellants / Respondents
in both Writ Appeals



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Vs.

1.M.Karunanithi

... Respondent / Writ Petitioner
1st Respondent in both Writ Appeals

2.The Deputy Superintendent of Police,
District Crime Branch,
Tanjore,
Tanjore District.

... Respondent / Respondent
2nd respondent in W.A.(MD)No.4198 of 2025

Prayer in W.A.(MD)No.544 of 2025: Writ Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order passed in W.P. (MD)No.20364 of 2024, dated 10.09.2024.

Prayer in W.A.(MD)No.648 of 2025: Writ Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order passed in W.P. (MD)No.10896 of 2024, dated 30.04.2024.

For Appellant : Mr.Veerakathiravan
Additional Advocate General
assisted by Mr.G.Suriya Ananth
Additional Government Pleader

For Respondents : Mr.V.R.Shanmuganathan

(in both Writ Appeals) for Mr.N.Kamesh for R1



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COMMON JUDGMENT

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(Judgment of the Court was made by **G.R.SWAMINATHAN, J.**)

Heard both sides.

2. Shri.M.Karunanithi joined the registration department as Junior Assistant in the year 1993. He was subsequently promoted as Sub Registrar and reached the age of superannuation on 30.04.2024. A week before the date of retirement, he was placed under suspension vide order dated 22.04.2024. Questioning the suspension order, Shri.Karunanithi filed W.P.(MD)No.10896 of 2024. The writ petition was allowed on 30.04.2024. The learned single Judge invoked G.O.(Ms).No.111, Human Resources Management (N) Department, dated 11.10.2021 and held that in respect of cause of action that arose in 2015, such a suspension order could not have been issued. Subsequently, Karunanithi filed W.P. (MD)No.20364 of 2024 seeking disbursement of the retirement benefits. The writ petition was allowed on 10.09.2024. Aggrieved by the said orders, the department has filed these writ appeals.

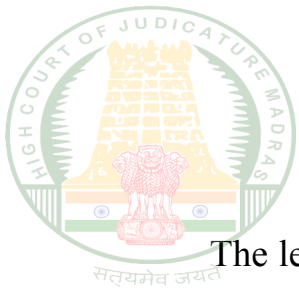


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3. It is seen that in respect of an alleged act of impersonation, while registering the document, Crime No.21 of 2015 was registered by the District Crime Branch, Thanjavur. The writ petitioner herein figured as A6. As per Rule 56(1)(c) of Fundamental Rules, a Government servant who is under suspension shall not be permitted by the appointing authority to retire on his reaching the date of retirement but shall be retained in service until he is exonerated. In this case, admittedly, the criminal case against the writ petitioner is pending investigation. Therefore, the authority is obliged to retain him in service. Since he had not been suspended till then, a formal order of suspension was passed. In such cases, the question of invoking the aforesaid G.O.(Ms.)No.111, Human Resources Management Department, dated 11.10.2021 does not arise at all.

4. In fact, the learned Additional Advocate General draws our attention to Clause (ix) of the said G.O which clearly states that the instructions set out in G.O shall not be made applicable to cases of Directorate of Vigilance and Anti Corruption enquiry and criminal cases.



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The learned single Judge appears to have lost sight of this clause in G.O.

(Ms).No.111, Human Resources Management Department, dated 11.10.2021. The impugned order passed by the learned single Judge is patently un-sustainable. It is set aside. ***W.A.(MD)No.648 of 2025 is allowed.***

5.Taking note of the fact that the writ petitioner has already crossed the age of retirement and the criminal case registered against him is pending for more than 9 decades, we direct the Investigation Officer, District Crime Branch, Thanjavur to file final report within a period of eight weeks from the date of receipt of a copy of this order. It appears that the final report could not be filed for want of sanction. Without going into the merits of the matter, we direct the sanctioning authority to take a call on the proposal submitted by the investigation officer within four weeks from the date of receipt of a copy of this order. The Government / department shall disburse all the eligible or permissible monetary benefits to the writ petitioner within a period of eight weeks from the date of receipt of a copy of this order.



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6. In view of the order made in W.A.(MD)No.648 of 2025, the order passed by the learned single Judge is set aside as a consequence.

W.A.(MD)No.544 of 2025 is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

(G.R.S., J.) (K.R.S., J.)
16.07.2025

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