



W.A(MD)No.656 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 09.04.2025

CORAM :

**THE HONOURABLE MRS.JUSTICE J.NISHA BANU
and
THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

**W.A(MD)No.656 of 2025
and
C.M.P(MD)No.4664 of 2025**

The Chief Educational Officer,
O/o. The Chief Educational Officer,
Ramanathapuram District,
Ramanathapuram.

... Appellant

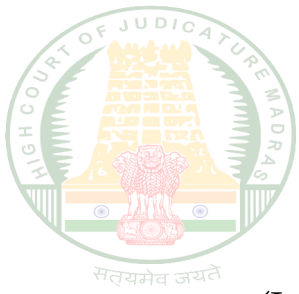
vs.

K.Muthuchamy

... Respondent

PRAYER : Writ Appeal filed under Clause 15 of the Letters Patent, against the order dated 02.12.2024 made in W.P(MD)No.20266 of 2023.

For Appellant : Mr.J.Ashok
Additional Government Pleader
For Respondent : Mr.H.Mohammed Imran for
M/s.Ajmal Associates



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JUDGMENT

(Judgment of the Court was made by **J.NISHA BANU, J.**)

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This writ appeal is filed against the order dated 02.12.2024 made in W.P(MD)No.20266 of 2023.

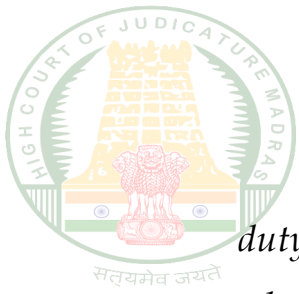
2. The respondent / writ petitioner was working as a B.T. Assistant (Science) at Government High School, D.Punavasal, Ramanathapuram District. His wife lodged a complaint alleging that the respondent contracted a second marriage. Accordingly, a FIR was registered against the respondent. Consequently, the respondent was placed under suspension on 18.12.2012 by the appellant. Ultimately, the criminal case registered against the respondent ended in acquittal on 25.01.2019. Thereafter, based on his acquittal, the respondent was reinstated in service on 16.07.2019. In the meantime, disciplinary proceedings were initiated which culminated in punishment of stoppage of increment for two years with cumulative effect on 22.04.2021. The appeal filed by the respondent against the said punishment was rejected, against which, a writ petition in W.P(MD)No.23205 of 2022 was



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filed by the respondent. According to the respondent, he withdrew the said writ petition on the assurance given by the appellant that his suspension period will be regularised as duty period, but by the proceedings dated Nil.09.2022, the appellant regularised the suspension period towards eligible leave. Challenging the said order, the respondent filed the writ petition and the Writ Court by impugned order, allowed the writ petition directing the appellant to treat the period of suspension as duty period and to disburse all attendant benefits. The relevant passage of the impugned order is extracted hereunder:-

"8. If the period of suspension is traceable only to a criminal case and ultimately if the government servant is acquitted from the criminal case, the suspension period has to be treated as a duty period with all attendant benefits as contemplated under Rule.54B (9)(a) and (b) of the Fundamental Rules. On the other hand, if the suspension is traceable to the initiation of departmental proceedings or in-contemplation of departmental proceedings for grave charges, and if the Government Servant is exonerated, then the suspension period should be treated as a duty period. On the other hand, in the departmental proceedings penalty is imposed upon the Government Servant then the suspension period should be treated as a justifiable one and it at the most it can be treated as an eligible leave not as a

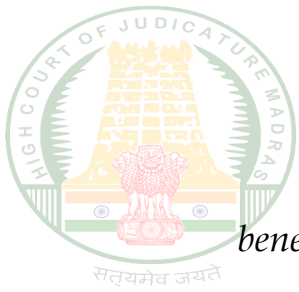


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duty period. This is the settled position of law. It is to be considered, whether, the suspension of the writ petitioner is traceable to a criminal case or the departmental proceedings to find out, whether, the suspension period could be regularized as a duty period or eligible leave.

9. In the present case, the order of suspension dated 18.12.2012 reveals that it is only traceable to a deemed suspension provision namely Rule 17(e) (ii) of Tamilnadu Civil Services Discipline and Appeal Rules, 1955. There is Departmental proceedings. Therefore, it is clear that the initial suspension order is only traceable to a criminal case. The petitioner was acquitted from the criminal case only on 25.01.2019. Though the departmental proceedings got culminated on 24.01.2021. The writ petitioner was reinstated in service as early as on 16.07.2019. Therefore, it is clear that the department has not waited for the culmination of the disciplinary proceedings, but the suspension order was revoked based upon the acquittal order passed by the Criminal court. Therefore, it is clear that the order of suspension as well as the order of revocation of suspension are only traceable to the criminal case and not to the departmental proceedings.

10. In view of the fact that the suspension and revocation of suspension are traceable only to the criminal proceedings, Rule 54B (9) (a) and (b) of Fundamental Rules are squarely applicable to the facts of the present case and the writ petitioner would be entitle to treat the period of suspension as a duty period with all attendant



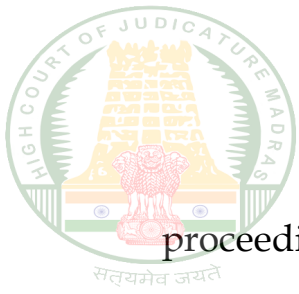
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benefits."

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Assailing the correctness of the impugned order, learned counsel for the appellant would submit that though the respondent was initially suspended for arrest in the criminal case, thereafter, departmental proceedings were initiated against him and a punishment of stoppage of increment for two years with cumulative effect was imposed against him and therefore, his suspension period can be regularised against his eligible leave, which has been rightly done by the appellant. However, without adverting to the same, the Writ Court holding that the suspension and revocation of suspension are traceable only to criminal proceedings, applied Rule 54B(9)(a) and (b) of the Fundamental Rules and erroneously allowed the writ petition with a direction to treat the period of suspension as duty period and to disburse all attendant benefits. Thus, the learned counsel would submit that the impugned order is liable to be set aside.

4. Learned counsel appearing for the respondent has relied upon Fundamental Rule 54-B(9)(a) and (b) and contended that where a Government Servant is placed under suspension, pending criminal



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proceedings and later he is acquitted, he should be reinstated in service and the period of suspension should be treated as a duty period with all attendant benefits. The Writ Court has rightly considered the same and allowed the writ petition. Thus, the order of the Writ Court does not require interference.

5. Heard both sides.

6. The crux of the appellant's contention is that though the respondent was suspended in December 2012 in view of the arrest in the criminal case, later, he was issued with a charge memo in December 2013, which culminated in imposition of punishment in the year 2021 and hence, his suspension is traceable only to the departmental proceedings. However, as rightly held by the Writ Court, the order of suspension dated 18.12.2012 reveals that it is only traceable to a deemed suspension provision namely, Rule 17(e)(ii) of Tamilnadu Civil Services (Discipline and Appeal) Rules, 1955. Further, there is no reference about the charge memo or contemplation of departmental proceedings in the suspension order. Therefore, it is clear that the initial suspension order



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is only traceable to the criminal case. Hence, application of Rule 54B(9)

(a) and (b) of the Fundamental Rules by the Writ Court is perfectly justified. Therefore, we do not find any infirmity in the impugned order.

7. Accordingly, the Writ Appeal is dismissed. No costs. Connected miscellaneous petition is closed.

[J.N.B, J.] [S.S.Y, J.]
09.04.2025

Index : Yes / No
Neutral Citation : Yes / No
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To

The Chief Educational Officer,
O/o. The Chief Educational Officer,
Ramanathapuram District,
Ramanathapuram.



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J.NISHA BANU, J.
AND
S.SRIMATHY, J.

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