



W.P.(MD)No.5969 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.03.2025

CORAM

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.(MD)No.5969 of 2025

and

W.M.P.(MD).No.4359 of 2025

J.Manavalan

... Petitioner

Vs.

1. The Additional Chief Secretary/Commissioner of
Revenue Administration,
Commissionerate of Revenue Administration,
Ezhilagam, Chennai.

2. The District Collector,
Theni District,
Theni.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the second respondent in Na.Ka.No.44266/2021 dated 28.10.2022 and quash the same as illegal and consequently direct the respondents to reinstate the petitioner in the post of Zonal Deputy Tahsildar with the period that may be stipulated by this Court.



WEB COPY



W.P.(MD)No.5969 of 2025

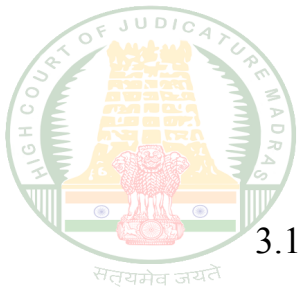
For Petitioner : Mr.V.Nirmal Kumar
For Respondents : Mr.D.Sachi Kumar
Additional Government Pleader

ORDER

This writ petition has been filed against the order passed by the second respondent in Na.Ka.No. 44266/2021 dated 28.10.2022.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents and perused material records.

3. While the petitioner was working as a Deputy Tahsildar, a criminal case was registered against him in Crime No.9 of 2021 for offences punishable under Sections 465, 468 and 471 of IPC on the file of District Crime Branch, Theni District. The first respondent by an order dated 06.12.2021, has placed the petitioner under suspension. On 02.02.2022, the petitioner was issued with a charge memo by the second respondent under Rule 17(b) of TamilNadu Civil Services (Disciplinary and Appeal) Rules and framing two charges against the petitioner. The petitioner submitted his explanation for the said charge memo. Originally, the petitioner was paid 50% of subsistence allowance and subsequently on 24.06.2022 it was increased to 75%.



W.P.(MD)No.5969 of 2025

3.1. On 18.02.2022, the petitioner has submitted a representation before the second respondent, seeking to revoke his suspension order. For non consideration of the same, the petitioner has filed a writ petition in W.P.(MD).No.15941 of 2022 before this Court and the same is disposed of by an order dated 17.08.2022, with a direction to the respondents therein to consider the representation of the petitioner dated 08.07.2022 and pass orders on merits and in accordance with law. In compliance of the same, the present impugned order has been passed, wherein, the request of the petitioner to reinstate into service by revoking the suspension order is rejected.

4. Mr.Nirmal Kumar, the learned Counsel for the petitioner has drawn attention of this Court that the Government Order in G.O.Ms.No.81, Human Resource Management (N) Department dated 04.08.2022 and he would submit that any disciplinary proceedings against the Government Servant have to be concluded within the time stipulated in the said Government Order. The learned counsel for the petitioner further submits that though enquiry was initiated against the petitioner in the year 2022, till now final orders are not passed, by concluding the disciplinary proceedings pending against the petitioner. The relevant portion of the said Government Order is extracted hereunder.



W.P.(MD)No.5969 of 2025

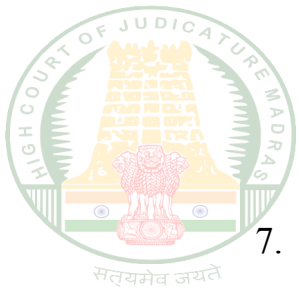
"12. The Government also reiterate the time limit prescribed in the

Government letter first read above for processing the disciplinary proceedings so as to ensure that there is no unwarranted delay in finalizing them, as follows:

(I)	<i>To complete the investigation by Directorate of Vigilance and Anti-Corruption and to send a report to Government through Vigilance Commission</i>	<i>One year</i>
(ii)	<i>To complete the enquiry by the Tribunal and to send its findings to the Department of Secretariat</i>	<i>One year</i>
(iii)	<i>To pass final orders by the Government/Heads of Department on receipt of the report of the Tribunal</i>	<i>Four months</i>

5. On perusal of the extracted portion of the said Government Order as stated supra, this Court is of the considered opinion that there is substantial force in the contention of the learned Counsel for the petitioner that the second respondent have to conclude the disciplinary proceedings within the time stipulated by the State Government.

6. For the aforesaid reasons, this Court is of the considered opinion that the second respondent is failed to conclude the disciplinary proceedings against the petitioner within the time stipulated in G.O.Ms.No.81, Human Resources Management (N) Department, dated 04.08.2022.



W.P.(MD)No.5969 of 2025

7. Accordingly, this writ petition is disposed of with the following

WEB @ directions :

(i) the second respondent is directed to conclude the enquiry pending against the petitioner within a period of two months from the date of receipt of a copy of this order and pass orders by following due process of law.

(ii) If, the second respondent failed to conclude the enquiry, within the time stipulated above, the respondent No.2 shall re-instate the petitioner into service forthwith and post in any non-sensitive post.

There shall be no order as to costs.

Consequently, connected miscellaneous petition is closed.

05.03.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
gvn



WEB COPY



W.P.(MD)No.5969 of 2025

BATTU DEVANAND, J.

gvn

To:

1. The Additional Chief Secretary/Commissioner of Revenue Administration,
Commissionerate of Revenue Administration,
Ezhilagam, Chennai.
2. The District Collector,
Theni District, Theni.

W.P.(MD)No.5969 of 2025

05.03.2025