



W.P.(MD)No.9447 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 04.04.2025

CORAM

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.(MD)No.9447 of 2025

K.P.Rajagopal

... Petitioner

Vs.

1.The Director of Town Panchayats,
Directorate of Town Panchayats,
Urban Administration Office Building,
7 and 8th Floor,
MRC Nagar,
Chennai - 28.

2.The District Collector,
Karur District Collectorate,
Karur District.

3.The Assistant Director of Town Panchayats,
Dindigul Zone,
Dindigul.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to revoke the Petitioner's suspension and reinstate him in service, in the light of the order of Honble Supreme Court in Ajay Kumar Choudhary Vs. Union of India (2015 (7) SCC 291), by considering the petitioner's representation dated 30.10.2024.



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For Petitioner : Mr.C.Narendren

For Respondents : Mr.D.Sachi Kumar
Additional Government Pleader

ORDER

This writ petition is filed seeking a direction to the respondents to revoke the petitioner's suspension and reinstate him in service, in the light of the order of Honble Supreme Court in Ajay Kumar Choudhary Vs. Union of India (2015 (7) SCC 291), by considering the petitioner's representation dated 30.10.2024.

2. The case of the petitioner is that he was working as Executive Officer in Town Panchayat Department for the past 17 years. At present, he is working as Executive Officer Grade II at Palaya Jayankondacholapuram Town Panchayat, Karur District. The first respondent issued proceedings on 09.08.2024 promoting the petitioner to the post of Executive Officer Grade I and directed to relieve the petitioner from the post of Executive Officer Grade II with effect from 12.08.2024. On morning, 12.08.2024, while he is participating in the awareness rally against drug abuse by Government School students within the jurisdiction of the Town Panchayat and returned to his office, he was



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arrested by the Officers of the Director of vigilance and Anti Corruption. A criminal case was registered against the petitioner in Crime No.3/AC/2024, dated 12.08.2024 by the Inspector of Police, DVAC, Karur. He was remanded to judicial custody on 12.08.2024 and he was enlarged on bail by order dated 09.09.2024 of the Special Court (Vigilance and Anti Corruption). Pursuant to the same, the petitioner was kept under suspension, by order dated 13.08.2024 of the second respondent. Thereafter, no charge memo was issued to the petitioner and no charge sheet was filed in the criminal proceedings and the respondents continue the petitioner under suspension till now. Thereafter, the petitioner submitted a representation on 30.10.2024 and reminder on 06.01.2025 requesting the second respondent to revoke the suspension order and reinstate the petitioner into service. Aggrieved by the inaction of the second respondent in considering the same, he has constrained to file this writ petition.

3. The learned counsel for the petitioner submits that continuing the petitioner under suspension without reviewing the same as per the relevant Rules and particularly in the light of the instructions issued by the State Government in G.O.Ms.No.81 Human Resources Management (N) Department dated 04.08.2022 is illegal, arbitrary and unjust. The learned counsel for the



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petitioner further contends that considering the judgment of the Hon'ble Apex Court in *Ajay Kumar Choudhary Vs. Union of India* reported in **2015 (7) SCC**

291, the second respondent can revoke the suspension order and reinstate the petitioner into service and he can post in any non-sensitive post. But, due to the inaction of the second respondent in considering his request, the petitioner is suffering a lot.

4. The learned Additional Government Pleader for the respondents would submit that the request of the petitioner made vide his representation will be considered in due course by following G.O.Ms.No.81 Human Resources Management (N) Department dated 04.08.2022.

5. There is no dispute in this case with respect to the admitted facts. A criminal case was registered against the petitioner by the Anti Corruption and vigilance Department and the petitioner was kept under suspension by order, dated 13.08.2024 by the second respondent. It is the contention of the petitioner that no charge memo was issued till date and no charge sheet was filed in the criminal proceedings. Without conducting disciplinary proceedings against the petitioner continuing him on suspension for long period would cause loss not



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only to the petitioner but also to the public exchequer. Without extracting any from him, the Government is paying public money to him towards payment of subsistence allowance. Instead of wasting public money, the petitioner can be accommodated in any non-sensitive post by revoking his suspension order and can extract work from him.

6. The State Government considered that issue particularly and issued instructions in G.O.Ms.No.81 Human Resources Management (N) Department dated 04.08.2022. But the second respondent failed to consider the request of the petitioner in terms of the instructions issued by the State Government at Paragraph No.11(xi) of G.O.Ms.No.81 Human Resources Management (N) Department dated 04.08.2022, wherein, it is provided that in cases where the charge in the criminal case involves complicated questions of law and fact and the disciplinary authority is not in a position to finalize the departmental disciplinary proceeding and if the criminal case is based on the vigilance report and is pending before the Court of law for which no reasons are explained explicitly, the authority competent may take a decision by taking up review of suspension and post the Government Servant in a non-sensitive post in consultation with the appropriate investigating authority/vigilance Commission



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on case to case basis in view of the reason that prolonged suspension and paying subsistence allowance for a long period without extracting work is not at all acceptable. Such revocation of suspension can be made based on the facts of each case and after noticing the reason for delay in serving the memorandum of charges/charge sheet.

7. In view of the above factual position, this Court intends to dispose of this writ petition at the admission stage with the consent of both parties with a direction to the second respondent to consider the representation of the petitioner, dated 30.10.2024 and reminder dated 06.01.2025 of the petitioner by following the instructions issued by the State Government in G.O.Ms.No.81 Human Resources Management (N) Department dated 04.08.2022 and pass appropriate orders within a time to be stipulated herein under in the interest of the justice.

8. Accordingly, the writ petition is disposed of with a direction to the second respondent to consider the representation of the petitioner, dated 13.10.2024 and reminder dated 06.01.2025 of the petitioner by following the instructions issued by the State Government in G.O.Ms.No.81 Human



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Resources Management (N) Department dated 04.08.2022 and pass appropriate

WEB COPY orders within a period of two weeks from the date of receipt of a copy of this order.

No costs.

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NCC:yes/no
Index:yes/no
Internet:yes/no
Sn

To:

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BATTU DEVANAND, J.

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