



W.P.(MD)No.9917 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.04.2025

CORAM

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.(MD)No.9917 of 2025

and

W.M.P.(MD).Nos.7386 & 7388 of 2025

M.Mayakrishnan

... Petitioner

Vs.

1. The State of TamilNadu,
Rep. by the Additional Chief Secretary to Government,
Water Resources Department,
Secretariat,
St. George Fort.
Chennai-600 009.

2. The Engineer-in-Chief/Chief Engineer (General),
Water Resources Department, PWD Campus,
Chepauk, chennai-5.

3. The Chief Engineer,
Water Resources Department,
Madurai Region,
PWD Campus,
Tallakulam,
Madurai.

4. The Superintending Engineer,
Water Resources Department,
Periyar Vaigai Basin Circle,
Tallakulam, Madurai-625 002.



W.P.(MD)No.9917 of 2025

5. The Executive Engineer,
Water Resources Department,
Periyar Vaigai Basin Division,
Tallakulam,
Madurai-625 002.

... 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 vide his proceedings in Proceedings No.CII(3)/2415/2024-I dated 03.05.2024 and the consequential impugned order passed by the second respondent vide his proceedings in proceedings No.CII(3)/2415/2024-7 dated 01.10.2024 and quash the same as illegal and consequently direct the respondents to reinstate the petitioner in service.

For Petitioner	: Mr.H.Mohammed Imran
For Respondents	: Mr.N.Satheesh Kumar Additional Government Pleader

ORDER

Heard, the learned Counsel appearing for the petitioner and Mr.N.Satheesh Kumar, the learned Additional Government Pleader for the respondents and carefully perused the materials available on record.

2. The petitioner who has been working as a Assistant Engineer in the Water Resources Department, suspended from service with effect from 03.05.2024 by the second respondent, pursuant to the registration of criminal

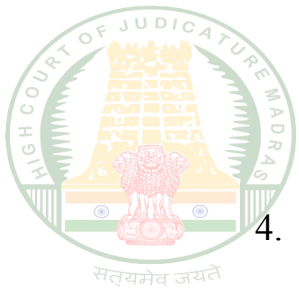


W.P.(MD)No.9917 of 2025

case in Crime No.03 of 2024 by the Inspector of Police, Vigilance and Anti-

Corruption Wing. The grievance of the petitioner is that the second respondent did not conduct any enquiry and he did not revoke the suspension order. The petitioner submitted representation to the authorities concerned seeking to revoke his suspension. But, the request of the petitioner has been rejected vide proceedings dated 01.10.2024. Aggrieved by the said order, the present writ petition has been filed.

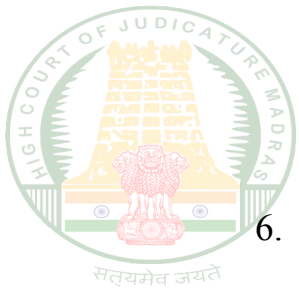
3. The learned Counsel for the petitioner submits that though the suspension order is passed 11 months back, till today, charge memo has not been issued and not filed any charge sheet in the criminal case lodged against the petitioner. The petitioner is the only breadwinner of his family and for the said suspension, he facing hardship. The learned Counsel for the petitioner contends that the second respondent while rejecting the request of the petitioner failed to consider the instructions issued by the State Government in G.O.Ms.No.81, Human Resources Management (N) Department, dated 04.08.2022. Accordingly, he sought to set aside the order impugned in this writ petition by allowing the writ petition.



W.P.(MD)No.9917 of 2025

4. On the other hand, Mr.N.Satheesh Kumar, learned Additional Government Pleader submits that from the date of suspension of the petitioner i.e., on 03.05.2024, one year period is not yet completed till now. In view of the pendency of the criminal case, the second respondent has rejected the request of the petitioner for revocation of the suspension order. He further submits that there is no infirmity or irregularity in the order of the second respondent dated 01.10.2024 and sought to dismiss the present writ petition.

5. Considering the submissions of the respective counsels and on careful examination of materials available on record. There is no dispute with respect to the admitted facts in this case. The petitioner is under suspension with effect from 03.05.2024, pursuant to the registration of criminal case against him. It is also an admitted fact that, till date, charge memo was not issued in the disciplinary proceedings and also charge sheet is not yet filed by the Investigating agency in the criminal case which is lodged against the petitioner. Besides this, the request of the petitioner for revocation of suspension order has been rejected, on the ground that Criminal Case is pending against him.



W.P.(MD)No.9917 of 2025

6. On perusal of the impugned order, it appears that the instructions issued by the State Government in G.O.Ms.No.81, Human Resources Management (N) Department dated 04.08.2022 which was issued with respect to review of suspension orders, pending enquiry into the grave charges and the time limit prescribed for finalization of disciplinary proceedings has not been considered. The State Government issued instructions in the said Government Order with regard to the criminal case registered by the Vigilance Department has been considered. In Para.11(xi) of the said Government Order, it is instructed that in case, 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 it 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 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. But in the proceedings of the second respondent dated 01.10.2024, those Government instructions are not referred.



W.P.(MD)No.9917 of 2025

WEB COPY

7. For the aforesaid reasons, this Court is of the considered opinion that the order dated 01.10.2024 issued by the second respondent, without following the instructions issued by the State Government in G.O.Ms.No.81, Human Resources Management (N) Department dated 04.08.2022 and accordingly it is liable to be set aside.

8. Accordingly, this writ petition is disposed of with the following directions :

i) The proceedings dated 01.10.2024 issued by the second respondent is hereby set aside.

ii) The matter is remand back to the second respondent for passing orders afresh by following the instructions issued by the State Government in G.O.Ms.No.81, Human Resources Management Department, dated 04.08.2022 within a period of four weeks from the date of receipt of a copy of this order.



W.P.(MD)No.9917 of 2025

WEB COPY

There shall be no order as to costs.

Consequently, connected miscellaneous petitions are closed.

08.04.2025

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



WEB COPY



W.P.(MD)No.9917 of 2025

BATTU DEVANAND, J.

gvn

To:

1. The Additional Chief Secretary to Government,
Water Resources Department,
Secretariat,
St. George Fort.
Chennai-600 009.
2. The Engineer-in-Chief/Chief Engineer (General),
Water Resources Department, PWD Campus,
Chepauk, chennai-5.
3. The Chief Engineer,
Water Resources Department,
Madurai Region,
PWD Campus,
Tallakulam,
Madurai.
4. The Superintending Engineer,
Water Resources Department,
Periyar Vaigai Basin Circle,
Tallakulam, Madurai-625 002.
5. The Executive Engineer,
Water Resources Department,
Periyar Vaigai Basin Division,
Tallakulam,
Madurai-625 002.

W.P.(MD)No.9917 of 2025

08.04.2025