

W.P(MD)No.10222 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 21.04.2025

CORAM:

THE HONOURABLE MR. JUSTICE BATTU DEVANAND

W.P.(MD)No.10222 of 2025

and

W.M.P(MD)Nos.7604, 7605 and 7606 of 2025

M.Sivasubramanian

...Petitioner

Vs.

1.The Commissioner of Employment and Training,
Office of the Director of Employment and Training,
Guindy,
Chennai – 600 032.

2.The Deputy Director / Member,
Government Industrial Training Institute,
Tuticorin,
Tuticorin District – 628 101.

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, in the nature of a writ of Certiorarified Mandamus, to call for records on the file of the first respondent in connection with the impugned order of rejection issued by him Na.Ka.No.2976/A Pa 2 /2022 dated 31.01.2023 and quash the same as illegal and arbitrary and consequently directing the respondents to revoke the petitioner's suspension and post him in any non-sensitive post within the time limit that may be stipulated by this Court.



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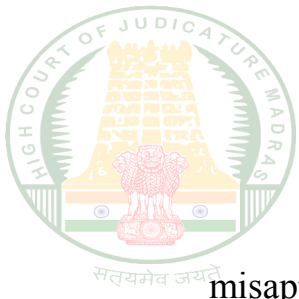
For Petitioner : Mr.G.Thalaimuthurasu
For Respondents : Mr.D.Sachi Kumar
Additional Government Advocate

ORDER

This writ petition has been filed challenging the order, dated 31.01.2023 and consequently, directing the respondents to revoke the petitioner's suspension and post him in any non-sensitive post.

2. The learned counsel for the petitioner submits that the petitioner, who is working as Office Manager at the Government Training Institute at Tuticorin was suspended from service on 18.03.2022. His representation for revocation of the suspension has been rejected by order, dated 31.01.2023 of the first respondent. The learned counsel for the petitioner submits that though the petitioner was kept under suspension for more than three years till date enquiry was not concluded by the respondents. Aggrieved by the same, the present writ petition is filed.

3. The learned Additional Government Pleader for the respondents would submit that the petitioner was kept under suspension for



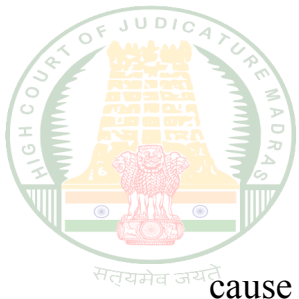
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misappropriation of funds to a sum of Rs.8,00,000/- and he is involved in serious misconduct. As such, he is not entitled for revocation of the suspension order.

4. Having heard the submissions of the respective learned counsels and on careful examination of the materials available on record, it is an admitted fact that the petitioner was kept under suspension with effect from 18.03.2022 on certain allegations. His representation for revocation of suspension has been rejected vide proceedings, dated 31.01.2023 of the first respondent. It appears that the charge memo has been issued and the petitioner has submitted an explanation. But it is very strange to note that the enquiry was not concluded even after three years.

5. The respondents have to keep in their mind that they are paying subsistence allowance to the petitioner for the last three years during the suspension period without extracting any work from him. The payment of subsistence allowance being paid to him out of the public exchequer. After few years, if the petitioner is terminated from service, the respondents could not recover the amount paid to the petitioner and definitely, it will



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cause huge loss to the public exchequer. Instead of that, if the respondents complete the disciplinary proceedings against the petitioner within a reasonable time by following due process of law, it will protect the interest of the petitioner as well as the public exchequer. This Court placing its displeasure towards the action of the respondents in not concluding the disciplinary proceedings for three years and keeping the petitioner under suspension for three years by paying subsistence allowance to him out of the public exchequer.

6. Considering the facts and circumstances of the case, this Court intends to dispose of the writ petition at the admission stage with the consent of both sides with certain directions to the respondents to meet the ends of justice.

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

(i) The first respondent shall revoke the suspension order passed against the petitioner on 18.03.2022 and post him in any non-sensitive



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post within a period of one week from the date of receipt of a copy of this order.

(ii) The first respondent shall conclude the disciplinary proceedings initiated against the petitioner within a period of four weeks from the date of receipt of a copy of this order.

No costs.

Consequently, the connected miscellaneous petitions are closed.

21.04.2025

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
SN

To,

- 1.The Commissioner of Employment and Training,
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BATTU DEVANAND, J.

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