



W.P.(MD).No.18204 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 07.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.18204 of 2025

and

W.M.P.(MD)No.13974 of 2025

K.Rukkumoni

... Petitioner

-vs-

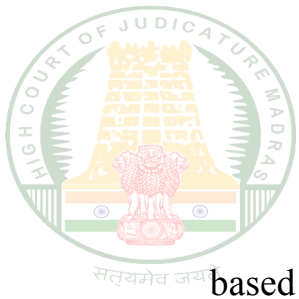
1. The District Collector,
Collectorate,
Kanyakumari District.

2. The Sub Collector,
Padmanabhapuram,
Kanyakumari District.

3. The Tahsildar,
Kalkulam Taluk,
Kanyakumari District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned Suspension Order in A6/E-1405651/2023 dated 13.10.2023 on the file of the 1st respondent and quash the same as illegal and consequently directing the respondent No.1 to revoke the suspension and reinstate the petitioner in the post of Deputy Tahsildar in light of the guidelines issued G.O.Ms. No.81 (Human Resources Development) dated 04.08.2022 and



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based on the order in Honble Supreme Court in Ajay Kumar Choudhary -Vs- Union of India reported in (2015) 7 SCC 291 within the time stipulated by this Court.

For Petitioner : Mr.I.Pinaygash

For Respondents : Mr.S.R.A.Ramachandhran

Additional Government Pleader

ORDER

This writ petition has been filed challenging the impugned suspension order in A6/E-1405651/2023 dated 13.10.2023 on the file of the 1st respondent with a consequential direction to the first respondent to revoke the suspension and reinstate the petitioner in the post of Deputy Tahsildar, in the light of the guidelines issued G.O.Ms.No.81 (Human Resources Development) dated 04.08.2022 and based on the judgment of the Honble Supreme Court in Ajay Kumar Choudhary -Vs- Union of India reported in (2015) 7 SCC 291 within the time stipulated by this Court.

2. Heard the learned counsel on both sides and perused the materials placed before this Court.



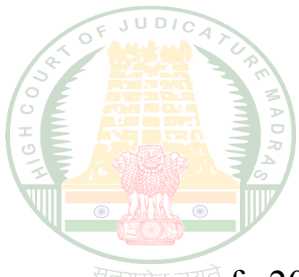
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3. The petitioner, who was working as a Deputy Tahsildar, was placed under suspension on 13.10.2023 on the allegation of illegal gratification and registration of a criminal case in that regard. However, after the suspension order was passed, no enquiry was conducted to revoke the suspension and no charge memo was issued to the petitioner. Hence, the petitioner has filed this writ petition.

4. The Hon'ble Supreme Court, in the case of *Ajay Kumar Choudhary Vs. Union of India* through its Secretary and another, reported in *AIR 2015 SC 2389*, wherein it has been held that the period of suspension should not extend beyond period of three months if within the said period memorandum of charges/chargesheet is not served on the delinquent and even if the charge sheet is served within the said period, a reasoned order should be passed for extending the suspension. However, in the instant case, the petitioner is under suspension for more than two years and he has not been served with any charge sheet.

5. The issue raised in this writ petition has been elaborately discussed and covered in the earlier judgment of this Court passed in W.P.(MD)No.6982



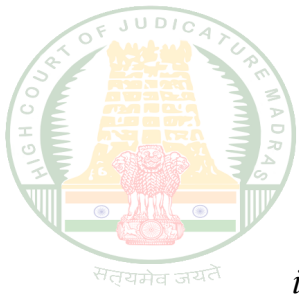
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of 2024 **[Thangavelu vs. The District Collector and otherss]** dated
10.04.2024, wherein this Court has analysed as under:

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“4.It is further held that in a case of trap, an order of interference with the order of suspension would have serious consequences. The Full Bench has made a specific observation that all the cases where memorandum of charges/charge sheet was not filed within three months if an order of revocation is passed with a direction to reinstate the delinquent in a non-sensitive post would have also some serious consequences. Hence, due caution should be made before issuing such order.

5. An illustration has also been made in the said order for placing an employee for revoking the suspension of an employee against whom allegation of rape has been made by a co-employee followed by a registration of a criminal case. It is held that merely because a charge sheet could not be submitted within a period of three months, order of suspension cannot be revoked with any consequential direction. In the instant case, the petitioner is said to have involved in a trap case but in a case of such a serious nature investigation ought to have been completed within a short time and the petitioner should have been given with a charge sheet. Nothing would have precluded the respondent from furnishing the charge memo if the respondents deems it fit to initiate disciplinary proceedings. But so far, the respondents have not taken any steps in that direction. Though it is right to state that revoking suspension of this nature would have serious consequence, if the respondents does not show enough seriousness in serving the charge memo at the earliest in order to initiate the disciplinary proceedings to be completed within any specific time frame just because the petitioner



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is said to have trapped and involved in DVAC case, the suspension cannot be kept eternally without any revision.”

6. In view of the above discussion, pending investigation/criminal case, the order of suspension issued against the petitioner shall be revoked and the petitioner shall be reinstated in some non-sensitive post.

7. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

07.07.2025

NCC : Yes/No
Index : Yes / No
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VIVEK KUMAR SINGH, J.

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Order made in
W.P.(MD)No.18204 of 2025

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