



W.P.(MD)No.18080 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.10.2025

CORAM

THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.18080 of 2023

and

W.M.P.(MD).No.15085 & 15086 of 2023

P.Kumar

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep. by its Additional Chief Secretary to Government,
Home (Police-2) Department,
Secretariat,
Chennai 600 009.
- 2.The Director General of Police,
4, Dr.Radhakrishnan Salai,
Mylapore,
Chennai 600 004.
- 3.The Superintendent of Police,
Karur District,
Karur.
- 4.The Director of Vigilance and Anti-Corruption (DVAC),
Rep. by its Director,
293, Mkn Road,
Alandur,
Chennai 600 016.



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5.The Additional Superintendent of Police,
Vigilance and Anti-Corruption,
Salem,
Salem District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of certiorarified mandamus, to call for the records pertaining to the impugned orders passed by the first respondent in G.O (2D) No. 283, Home (Police-2) Department, dated 27.07.2022 and the consequential proceedings of the second respondent in Rc.No. 000841/Con.V(2)2022, dated 04.08.2022 and the impugned order passed by the third respondent in D.O.No. 518/2022, C.No. A4/e-2933170/2022, dated 08.08.2022 and quash the same as illegal and consequently direct the Respondent Nos.1 to 3 to reinstate the petitioner into service with attendant benefits within a time fixed by this Court.

For Petitioners	: Mr.G.Thalaimutharasu for Mr.K.Gurunathan
For R-1 to R-3	: Mr.Veerakathiravan, AAG-II, assisted by Mr.A.Baskaran, Additional Government Pleader
For R-4 and R-5	: Mr.C.Satheesh, Government Advocate

ORDER

This writ petition has been filed challenging the impugned suspension order dated 08.08.2022 passed by the third respondent, suspending the petitioner from service on account of a serious vigilance complaint pending



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against the petitioner. The petitioner is said to have received bribe, which has been credited to the account of the petitioner's brother-in-law for the benefit of a drug peddler.

2. The petitioner has challenged the impugned suspension order on the ground that the prolonged suspension is contrary to G.O.(Ms).No.81, Human Resources Management (N) Department, dated 04.08.2022.

3. The learned counsel appearing for the petitioner drew the attention of this Court to the following:

(a). G.O.(Ms).No.81, Human Resources Management (N) Department, dated 04.08.2022 and in particular to Clause 11 (iii);

(b). The Division Bench decision of this Court dated 08.04.2025 passed in *W.A.(MD).No.2400 of 2024* in the case of *the District Collector, Karur, Karur District and another vs. M.Balasundaram*;

(c). The Division Bench decision of this Court dated 01.08.2025 passed in W.A.(MD).No.20 of 2025 in the case of *S.Baskar Vs. The District Collector, Thanjavur District, Thanjavur and another*;



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4. Relying upon the aforesaid decisions and the Government Order, the learned counsel appearing for the petitioner would submit that the impugned order suspending the petitioner from service, which was passed three years after the date of the alleged incident is contrary to the guidelines issued in G.O. (Ms).No.81, Human Resources Management (N) Department, dated 04.08.2022 as well as the decisions referred to supra.

5. On the other hand, the learned Additional Advocate General-II appearing for respondent Nos.1 to 3 would submit that the Hon'ble Full Bench of this Court in the decision dated 15.03.2022 in ***W.P.No.2165 of 2015 and W.P.No.21628 of 2018*** in the case of ***P.Kannan Vs. The Commission for Municipal Administration, Municipal Administration Commissioner, Ezhilagam, Annexure-6th Floor, Chepauk, Chennai-5 and others***, has clarified that with regard to the Municipal Administration, revocation of suspension depends upon the facts and circumstances of each case, the gravity of the charges and the rules applicable. He would also submit that G.O.(Ms).No.81, Human Resources Management (N) Department, dated 04.08.2022, relied upon by the learned counsel appearing for the petitioner makes it clear that Clause 11 (ix) that the time limits mentioned above will not be applicable to cases of Government servants against whom criminal proceedings have been initiated.



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Therefore, he would submit that since a charge sheet has already been filed against the petitioner in the criminal proceedings, the question of interference with the impugned suspension order at this stage does not arise and the petitioner cannot plead prolonged suspension, as the continuation of suspension is contrary to G.O.(Ms).No.81, dated 04.08.2022. The learned Additional Advocate General-II appearing for the respondents would also submit that since the misconduct committed by the petitioner is a serious one, as the charge framed against him in the disciplinary proceedings is of serious nature as it involves the receipt of bribe to help a drug peddler, the question of interfering with the impugned suspension order does not arise. He would also submit that the disciplinary proceedings is in progress and in the enquiry proceedings, several witnesses have already been examined and the same is also ongoing, therefore, no prejudice would be caused to the petitioner if the enquiry proceedings are allowed to go on without interfering with the impugned suspension order. On instructions, the learned Additional Advocate General-II would also submit that the enquiry proceedings will be completed within a period of three months from the date of receipt of a copy of this order, provided the petitioner fully co-operates with the enquiry proceedings by participating in the same on the dates fixed by the Enquiry Officer.



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6. The learned counsel appearing for the petitioner fairly submits that the enquiry proceedings is in progress and would also submit that the petitioner is willing to co-operate in the enquiry proceedings for the early completion of the enquiry and for the early submission of the enquiry report by the Enquiry Officer. The Full Bench decision of the Madras High Court relied upon by the learned Additional Advocate General-II appearing for respondent Nos.1 to 3 referred to supra in **P.Kannan case** has made it clear that the revocation of suspension with a direction to the employer to post the delinquent in a non-sensitive post cannot be endorsed or directed as a matter of right and it depends on facts and circumstances of each case. It has also been made it clear by the Full Bench in **R.Kannan case** that the order of suspension should be analysed on the facts of each case, considering the gravity of the charges and the rules applicable.

7. The impugned suspension order came to be passed against the petitioner on 08.08.2022. The suspension is still in force. The enquiry proceedings in the disciplinary proceedings initiated against the petitioner is currently in progress. Several witnesses have already been examined in the disciplinary proceedings. The petitioner is also participating in the same. The respondents have also given an undertaking before this Court through the



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Additional Advocate General-II that the enquiry will be completed within a

period of three months from the date of receipt of a copy of this order provided the petitioner co-operates in the same. While that be so, this Court is of the considered view that the interest of the petitioner is protected that too when the petitioner is facing the suspension ever since 08.08.2022 as per the impugned order. If the petitioner is really an innocent person, he can wait for a further period of three months for the completion of the enquiry to get himself absolutely absolved of the liability arising from the charges framed against him in the disciplinary proceedings. In the criminal proceedings lodged against the petitioner, the charge sheet has already been filed. Though the learned counsel appearing for the petitioner on instructions would submit that till date, a copy of the same has also not been served on the petitioner. The Circular dated 04.08.2022 passed through G.O.(Ms).No.81, Human Resources Management (N) Department, dated 04.08.2022 relied upon by the learned counsel appearing for the petitioner also provides in Clause 11 (ix) that the time limits mentioned in the Government Order will not be applicable to the case of Government servants against whom the criminal proceedings have been initiated. Therefore, in the instant case, when the criminal proceedings have already been initiated and a charge sheet has already been filed and the mis-conduct alleged to have been committed by the petitioner is also serious in nature, namely aiding /



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abetting a drug peddler, the question of interfering with the impugned suspension order by this Court that too when the respondents have given an undertaking before this Court that the enquiry proceedings shall be completed within a period of three months from the date of receipt of a copy of this order does not arise.

8. The learned counsel appearing for the petitioner also submits that the petitioner is willing to give a fresh representation to the respondents seeking to revoke the petitioner's suspension and a direction may be issued to the respondents to consider the same on merits and in accordance with law. The interest of the petitioner will also be protected if a direction is issued to the respondents to consider the petitioner's representation seeking for revocation of the impugned suspension order within a time frame to be fixed by this Court.

9. Accordingly, after recording the undertaking given by the respondents that the enquiry in the disciplinary proceedings against the petitioner shall be completed within a period of three months from the date of receipt of a copy of this order provided the petitioner co-operates with the enquiry proceedings, which the learned counsel appearing for the petitioner on instructions has submitted that the petitioner shall definitely co-operate, this writ petition is



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disposed of by granting liberty to the petitioner to submit a fresh representation

to the respondents seeking for revocation of the impugned suspension order

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

On receipt of the said representation, the respondents shall consider the same on

merits and in accordance with law after affording one personal hearing to the

petitioner and after giving due consideration to the decisions relied upon by the

petitioner in his representation within a period of eight weeks thereafter. No

costs. Consequently, the connected miscellaneous petitions are closed.

28.10.2025

NCC:yes/no

Index:yes/no

Internet:yes/no

TSG

To

1.The Additional Chief Secretary to Government,
Home (Police-2) Department,
Secretariat,
Chennai 600 009.

2.The Director General of Police,
4, Dr.Radhakrishnan Salai,
Mylapore,
Chennai 600 004.

3.The Superintendent of Police,
Karur District,
Karur.

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- 4.The Director of Vigilance and Anti-Corruption (DVAC),
Rep. by its Director,
293, Mkn Road,
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- 5.The Additional Superintendent of Police,
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ABDUL QUDDHOSE, J.

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