



WP(MD)No.24314 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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RESERVED ON 24.09.2025	PRONOUNCED ON 24.11.2025
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CORAM:

THE HONOURABLE **MR.JUSTICE K.KUMARESH BABU**

W.P.(MD)No.24314 of 2025 &
WMP (MD).No.19062, 19063 & 19065 of 2025

V.Radhakrishnan

... Petitioner

/vs./

The District Collector,
Theni District,
Theni.

... 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 of the impugned order of rejection in the proceedings of reference in Na.Ka.No. 24887/2023/Oo.Va.5, dated 21.01.2025 passed by the respondent and quash the same as illegal, arbitrary and violative of principles of natural justice and consequently, direct the respondent to revoke the suspension and post the petitioner in any of the non-sensitive post within the time frame stipulated by this Court.

For Petitioner : Mr.S.Srikanth

For Respondents : Mr.F.Deepak Spl. Govt., Pleader



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ORDER

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This Writ Petition had been filed to quash the impugned order of rejection dated 21.01.2025, passed by the respondent as illegal, arbitrary and violative of principles of natural justice and consequently, direct the respondent to revoke the suspension and post the petitioner in any of the non-sensitive post within the time frame stipulated

2. Heard Mr.S.Srikanth, learned counsel appearing for the petitioner, Mr.F.Deepak, learned Special Government Pleader appearing for the respondent.

3. The learned counsel for the petitioner would submit that while the petitioner was working as a Junior Overseer at Kamam Panchayat Union, Theni District a case had been registered under the Provisions of the Prevention of Corruption Act in Crime No.2 of 2023 in which case the petitioner was remanded to judicial custody and has also been granted bail. Hence, the petitioner was placed under suspension on 29.06.2023 as a criminal case was registered against him. The petitioner had earlier sent a representation to reconsider the order of suspension and as the same was not considered, the petitioner has approached this Court in W.P.(MD).No.7911 of 2024 and by order dated 28.03.2025 this Court



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had directed the respondents to consider the representation of the petitioner.

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4. By a proceedings dated 25.04.2024, the respondent rejected the claim of the petitioner which was challenged by the petitioner in W.P.(MD).No.19198 of 2024. By order dated 27.08.2024, this Court set aside the order of rejection and remitted the issue back to the respondent to consider the request of the petitioner in the light of the Government order issued in G.O.(Ms).No.81, Human Resource Management Department dated 04.08.2022. The respondent again by an order dated 21.05.2025 referring to the communication sent by the Director of Vigilance and Anti-Corruption with regard to reinstatement of the petitioner, rejected the claim of the petitioner. Challenging the same, the petitioner had approached this Court in W.P.(MD).No.6526 of 2025 and the same was dismissed as withdrawn.

5. He would submit that the order impugned had not considered the impact of the Government order in G.O.(Ms).No.81 dated 04.08.2022. In support of his contention, he had also relied upon the judgment of the learned Single Judge of this Court made in W.P.No.26448 of 2023 to contend that the claim of the petitioner is to be considered in a proper manner and he should also be reinstated



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in service and placed in a non-sensitive post till the completion of the disciplinary proceedings. Therefore, he seeks indulgence of this Court to the order impugned herein and direct the respondents to revoke the order of suspension and place him in any non-sensitive post within the Department.

6. Countering his arguments, learned Special Government Pleader appearing for the respondents would submit that the order impugned herein had been challenged by the petitioner in W.P.(MD).No.6526 of 2025 and had withdrawn the same without any liberty to file a fresh Writ Petition. Therefore he would submit that the present Writ Petition which is a second Writ Petition challenging the very same order that too without assigning reasons whatsoever is not maintainable. He would further contend that when that being so, the reliance placed upon the judgment of the learned Single Judge of this Court cannot also ensure to the benefit of the petitioner.

7. I have considered the submissions made by the learned counsels appearing on either side and perused the materials available on record.

8. As rightly pointed out by the learned Special Government Pleader, the



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petitioner had challenged the very same impugned order in an earlier Writ Petition

in W.P.(MD).No.6526 of 2025 and withdrawn the same without any liberty.

Hence, the Writ Petition filed by the petitioner challenging the very same impugned order in view of this Court is not maintainable. Even though, the petitioner had disclosed the filing of such a Writ Petition and withdrawn the same had not assigned any reasons as why he had approached this Court again challenging the very same impugned order.

9. It is true that a delinquent cannot be kept under endless suspension and only for that sake the Government had also issued a Government order in G.O. (Ms).No.81 dated 04.08.2022. The points that has been canvassed by the petitioner assailing the order of suspension cannot be gone into on merits in the present Writ Petition. In view of the withdrawal of the earlier Writ Petition challenging the very same impugned order without liberty. But however considering the fact that the earlier impugned order has been passed as early as on 25.01.2025 and that more than 10 months have lapsed and as per the G.O. (Ms).No.81 dated 04.08.2022, the respondents are required to revisit the order of suspension. Even in spite of the involvement of criminal case, it is imperative that the respondent revisit the order of suspension.



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10. For the aforesaid reasons, the Writ Petition fails and is dismissed.

However, the petitioner is at liberty to approach the respondents by seeking to review the order of suspension in light of the charge sheet had been filed and the respondents are also directed to consider the claim of the petitioner in line with the Government order made in G.O.(Ms).No.81, Human Resource Management Department, dated 04.08.2022 and pass orders on merits and in accordance with the law within a period of eight(8) weeks from the date of receipt of such representation. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

24.11.2025

Index : Yes / No
Internet : Yes / No
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To
The District Collector,
Theni District,
Theni.



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K.KUMARESH BABU, J.

Gba

Pre-Delivery Order made in
W.P.(MD)No.24314 of 2025 &
WMP (MD).No.19062, 19063 & 19065 of 2025

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