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W.A.(MD)NO.527 OF 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.08.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

W.A.(MD)No.527 of 2020 and
C.M.P.(MD)No.3676 of 2020

1. The Government of Tamil Nadu,
Rep. by its Secretary,
Department of Agriculture,
Chennai – 600 009.
2. The Director of Agriculture,
Chepauk,
Chennai – 600 005.
3. The Joint Director of Agriculture,
Tiruchirappalli. ... Appellants / Respondents

Vs.

Chinnadurai

... Respondent / Petitioner

Prayer: Writ appeal filed under Clause 15 of the Letters Patent, to set aside the order dated 23.07.2019 made in W.P.(MD)No.9250 of 2014 on the file of this Court and allow this writ appeal.

For Appellant : Mr.N.Satheesh Kumar,
Additional Government Pleader.
For Respondent : Mr. S.Vijayakumar

* * *

**JUDGMENT**

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Heard both sides.

2. The Government is on appeal challenging the order dated 23.07.2019 passed by the learned single Judge allowing W.P.(MD) No.9250 of 2014 filed by the respondent herein.

3. The respondent herein was working as Assistant Agricultural Officer, Manachanallur. He was implicated in a trap case. Hence, he was suspended from service vide order dated 10.08.2007. Challenging the same, he filed writ petition. But the writ petition was dismissed. Subsequently, he filed W.P.(MD)No.9250 of 2014 seeking reinstatement pending disposal of the criminal case (Special S.C. No.82 of 2011 on the file of the Special Court (PC Act), Tiruchirappalli). The learned single Judge vide order dated 23.07.2019 allowed the writ petition in the following terms:-

“9.In view of the fact that the writ petitioner is under suspension for about 12 years and the subsistence allowance is being disbursed to the writ petitioner without extracting any work



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resulting in financial loss to the State exchequer, this Court is inclined to consider the case of the writ petitioner. Accordingly, the following orders are passed:

i) The order of suspension issued by the second respondent in proceedings No.VCS 1/128636/2007 dated 10.08.2007 is quashed. ii) The respondents are directed to reinstate the writ petitioner in service.

iii) The respondents are directed to post the writ petitioner in any one of the sensitive post in any place till the conclusion of the departmental disciplinary proceedings as well as the criminal case registered against the writ petitioner. ”

4. We are of the view that the suspension order could not have been quashed. This is because when the writ petitioner was arrested in a vigilance case, he was rightly suspended. That apart, when the writ petitioner earlier challenged the suspension order, it was dismissed. What the learned single Judge could have held was that continuance of suspension was no longer warranted. We therefore modify the order of the learned single Judge to that effect. In other words, we hold that the suspension order passed against the writ



petitioner would not operate post 23.07.2019. The learned Additional Government Pleader brings to our notice that the criminal case ended in conviction on 29.11.2023.

5. When once a Government employee suffers conviction, after issuance of formal notice, he should be dismissed from service. The purpose of issuing notice is to find out if the convicted employee has obtained stay of the conviction. In this case, the writ petitioner has obtained suspension of sentence alone and not stay of conviction. Be that as it may, we clarify that the order of the learned single Judge as modified herein would hold good from 24.07.2019 till 29.11.2023. All the other rights of the writ petitioner would abide by the outcome of the criminal appeal. The order passed by the learned single Judge is modified. This writ appeal stands partly allowed. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.SWAMINATHAN, J.) & (K.RAJASEKAR, J.)
11th August 2025

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

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