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WP(MD)No.27972 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **13.10.2025**

CORAM:

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

W.P.(MD)No.27972 of 2025 &
WMP (MD).No.21714 of 2025

V.Rajadurai

... Petitioner

/vs./

1.The Director,
Rural Development and Panchayat Raj,
Chennai – 600 015.

2.The District Collector (Development),
Thanjavur District,
Thanjavur.

3.The Block Development Officer (VP),
Thiruvaiyaru,
Thanjavur 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 relating to the impugned proceedings of the 2nd respondent in Na.Ka.No.4927/2022/Ka.4, dated 06.06.2025 and quash the same as illegal and consequently direct the respondents to reinstate him in service as Deputy Block Development Officer, within the period that may be stipulated by this Court.

For Petitioner : Mr.H.Mohammed Imran

For Respondents : Mr.F.Deepak Spl.G.P., for RR1 to R3



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ORDER

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This Writ Petition had been filed to quash the impugned proceedings of the 2nd respondent, dated 06.06.2025 and consequently direct the respondents to reinstate him in service as Deputy Block Development Officer, within the time stipulated by this Court.

2. Mr.H.Mohammed Imran, learned counsel for the petitioner would submit that the petitioner who has been working as a Block Development Officer was facing a criminal case registered as Crime No.2 of 2022 under the Provisions of Prevention of Corruption Act. He was also slapped with an order of suspension on 27.05.2022 and was issued with a charge memo dated 16.06.2023 for which he had also submitted his explanation. An enquiry officer has also been appointed. However, the enquiry has not been proceeded with. He had made a representation on 03.02.2025 seeking to review the order of suspension. As no action has been initiated, he had approached this Court by way of Writ Petition in W.P.(MD).No.4203 of 2024 in which this Court by order dated 18.02.2025 had issued direction to the respondents to consider the representation of the petitioner.

3. By proceedings dated 28.02.2025, the petitioner's representation stood rejected which was challenged by the petitioner before this Court in



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W.P.(MD).No.8836 of 2025. By order dated 01.04.2025, this Court setting aside the order impugned, had remanded the matter back to the second respondent with a direction to pass orders afresh to review the order of the suspension and post the petitioner in any non-sensitive post in consonance with G.O.(MS).No.81, Human Resource Management Department, dated 04.08.2022. However, again on 06.06.2025, without complying with the positive direction to post the petitioner in such non-sensitive post, the representation of the petitioner had been rejected. He would submit that having issued a charge memo as early as in the year 2023, for which the petitioner has also submitted his explanation, no enquiry had been conducted by the enquiry officer who had been appointed in that regard. Therefore, he prays this Court to set aside the order and direct the respondent to appoint the petitioner in any such non-sensitive post forthwith.

4. Countering his arguments, Mr.F.Deepak, learned Special Government Pleader would submit that the respondent had been involved in a heinous offence of corruption and also the same had been taken on file as Spl.S.C.No.3 of 2023 and pending trial before the Chief Judicial Magistrate, Thanjavur and therefore, there is no infirmity with the order impugned herein. Only after the disposal of the criminal case and also the disciplinary proceedings, the petitioner's case could be considered and prays for dismissal of the Writ Petition.



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

6. Admittedly, by order dated 01.04.2025 in W.P.(MD).No.8836 of 2025 which related to the petitioner, the order refusing to review the order of suspension was set aside with a direction to consider the case afresh and to also post in any non-sensitive post taking into consideration the relevant Provisions of G.O.(MS).No.81 dated 04.08.2022 has been passed. For better appreciation, the relevant portion of the said order is extracted herein.

7. For the reasons stated above, this writ petition is disposed of with the following directions:

1. The order impugned in this writ petition is hereby set aside and the matter is remanded back to the second respondent to pass orders afresh.

2. The second respondent shall pass orders afresh by considering the representation of the petitioner to review the suspension order and post in any non-sensitive post taking into consideration of Paragraph No.11(xi) of G.O.Ms.No.81 Human Resources Management (N) Department, dated 04.08.2022 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.



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7. However, without considering the directions issued, the first respondent herein had again held that the petitioner having been involved in a criminal case which has been pending trial, is not entitled for any review of the order of suspension and rejected his claim. The first respondent had failed to note the positive direction issued by this Court to post the petitioner in any non-sensitive post in consonance with the Government order.

8. A Division Bench of this Court in W.A.No.1657 of 2019, dated 31.07.2023 of which I was also a party, rejecting the claim of the appellants challenging the order of the learned Single Judge, directing the respondent therein to be appointed in a non-sensitive post, had held that the reason attributed by keeping an employee under continued suspension endlessly pending a criminal case, is untenable and had upheld the direction issued by the learned Single Judge by further issuing a time bound direction to comply with the order of the learned Single Judge. This Court is of the view that the said judgment would also be squarely applicable to the present case on hand, for simple reason that the petitioner had been under continuous suspension for a period of three years and his suspension is not sought to be reviewed on the very same ground that the trial is yet to be completed.



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9. For the aforesaid reasonings, the Writ Petition is allowed and the impugned order is set aside with a direction to the first respondent to post the petitioner in any non-sensitive post and such posting shall be given to the petitioner, within a period of four (4) weeks from the date of receipt of a copy of this order. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

13.10.2025

Index : Yes / No
Internet : Yes / No
Gba



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K.KUMARESH BABU, J.

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