



WP(MD)No.35821 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 15.12.2025

CORAM:

**THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

WP(MD)No.35821 of 2025 and  
WMP(MD) Nos.28445 & 28447 of 2025

A.K.Nagarajan

... Petitioner

Vs

1.The Director,  
Department of Fire and Rescue Service,  
Chennai.

2.The Deputy Director,  
Department of Fire and Rescue Service,  
South Region, Madurai.

3.The District Officer,  
Department of Fire and Rescue Service,  
Sivagangai District, Madurai.

...Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned Suspension Order in proceedings bearing Na.Ka.No. 3493/Aa/2024 dated 23.08.2024 and the impugned order in proceedings bearing Na.Ka.No. 3493/Aa/2024



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dated 21.08.2025, both on the file of the 2nd Respondent and quash the same and directing the Respondents to reinstate the Petitioner in his services.

For Petitioner : Mr.V.Kannan  
For Respondents : Mr.G.V.Vairam Santhosh  
Additional Government Pleader

### **ORDER**

The petitioner, who is working as an Assistant District Fire Officer in the Department of Fire and Rescue Service/now under suspension, has filed this writ petition challenging the order passed by the Deputy Director, Department of Fire and Rescue Service, South Region, Madurai, rejecting his request to reinstate him into service.

2.The case of the petitioner is that the petitioner has been placed under suspension vide proceedings of the Deputy Director, Department of Fire and Rescue Service, South Region, Madurai/the second respondent, in Na.Ka.No.3493/Aa/2024, dated 23.08.2024,



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pursuant to his arrest in a criminal case in Crime No.5 of 2024, on the file of Vigilance and Anti corruption Department, which was registered for the offence under Section 7 of the Prevention of Corruption Act, 1988 that this petitioner said to have demanded a sum of Rs.5,000/-, from one Karuppaga Moorthy S/o Marimuthu, for issuing no objection certificate for a Poultry Farm. On the complaint received from the Poultry Farm, a trap was arranged and he was arrested on 21.08.2024, while he was receiving the amount.

2.1.The petitioner has in fact challenged the order of suspension by way of a writ petition before this Court in WP(MD) No.18686 of 2025. This Court, by its order, dated 10.07.2025, directed the second respondent to consider the representation of the petitioner, dated 09.06.2025 on its merits within a stipulated time. Pursuant to the above order, the respondents have considered the case of this petitioner for revoking the suspension and has rejected the same by the order impugned in this writ petition.



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3.The learned counsel appearing for the petitioner by referring to the Judgment of the Honourable Supreme Court in ***Ajay Kumar Choudhary Vs.Union of India and others***, reported in **2015 (3) CTC 119** submits that the suspension order cannot be kept pending beyond the period of three months and it needs to be reviewed as to whether the suspension is required or not. According to the learned counsel, this petitioner was placed under suspension on 23.08.2024 and the order of suspension is continued for more than one year and therefore, the order of suspension ought to have been reviewed as per the guidelines issued by the Honourable Supreme Court in the above cited judgment.

4.Mr.G.V.Vairam Santhosh, learned Additional Government Pleader takes notice for the respondents and submits that the Vigilance and Anti Corruption Department has concluded the investigation in Crime No.5 of 2024 and filed the final report before the Principal District and Sessions Court, Sivagangai in Spl.CC.No.3 of 2025. According to the learned Additional



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Government Pleader, this petitioner has demanded money from one Karpagamoorthi, for grant of No Objection Certificate and he was also arrested red handed, when he received the amount from him. He further submits that this petitioner is placed under suspension on public interest. The ratio laid down by the Honourable Supreme Court in *Ajay Kumar Choudhary Vs. Union of India and others*, reported in **2015 (3) CTC 119** would not be applicable to the case and circumstances of this case, as this petitioner involved in a case of corruption. In order to substantiate his contentions, the learned Additional Government Pleader has relied upon the order of the Honourable Full Bench of this Court in W.P.Nos.2165 of 2015 and 21628 of 2018, dated 15.03.2022.

5.This Court considered the rival submissions made and also perused the materials placed on record.

6.This petitioner/Assistant District Fire Officer was arrested in a criminal case in Crime No.5 of 2024, on the file of



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Vigilance and Anti corruption Department that he has demanded and received money for granting No Objection Certificate to a Poultry Farm. On completion of investigation, the final report was also filed in Spl.CC.No.3 of 2025 and the same is pending before the Principal District Court, Sivagangai. Pursuant to the criminal case, this petitioner was placed under suspension on 23.08.2024, however, it appears that no further action has been taken by the respondents. The suspended employee is entitled for subsistence allowance at the rate of 75% per month, in case, if the order of suspension has not been reviewed beyond the period of six months. Considering this unnecessary expenditure incurred by the Government by paying subsistence allowance to the suspended employees, even without extracting any work from them, the Honourable Supreme Court in ***Ajay Kumar Choudhary Vs. Union of India and others***, reported in ***2015 (3) CTC 119*** has held that the suspension order needs to be reviewed beyond the period of three months. However, the ratio cannot be applied to the corruption cases. Allowing this petitioner to serve in the system would certainly affect the interest of the



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Department. Therefore, this Court is not inclined to entertain this writ petition.

7. Considering the fact that the final report has already been filed and pending before the Principal District Court, Sivagangai, the learned Principal District Judge is expected to give importance to these type of cases and shall conclude the same as expeditiously as possible. Pendency of a criminal case is not a bar for the department to proceed with the departmental proceedings. In the event, if some of the witnesses are similar in both the criminal case and in the departmental proceedings, then the departmental proceedings can be kept pending till the examination of those witnesses in the criminal proceedings. In the event, if any of the documents from the Vigilance department is required to proceed with the departmental proceedings, the Vigilance Department shall furnish the certified copies of those documents to the Department and thereafter, the Department shall proceed with the departmental proceedings.



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8. With the above observations and directions, this writ petition is dismissed. No costs. Consequently, connected Miscellaneous petitions are closed.

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

To

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2. The Deputy Director,  
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South Region, Madurai.
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Sivagangai District, Madurai.

Copy to  
The Principal District Court, Sivagangai.



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**B.PUGALENDHI.J.,**

vrn

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