



WEB COPY

WP No. 9722 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-03-2026

CORAM

THE HON'BLE MS. JUSTICE P.T. ASHA

**WP No. 9722 of 2025
AND
WMP NO. 10894 OF 2025**

M.Ramiji

..Petitioner(s)

Vs

1. The District Collector
Erode
2. The Revenue Divisional Officer
Gobichettipalayam

..Respondent(s)

Prayer:-Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the first respondent vide Na.Ka. No 30000 / 2021 / A3 dated 31.12.2023 and proceedings Rc. No 30000/2021/A3, dated 15.11.2021 and to quash the same, and direct the first respondent to reinstate the petitioner in service with all attendant benefits and pass

For Petitioner(s): Mr.R.Vijayakumar, Senior Counsel for
Mr.K.N.Pandian

For Respondent(s): Mr.P.Balathandayutham, SGP for R.1 and
R.2.



ORDER

This Writ Petition has been filed seeking to quash the order of the 1st respondent dated 31.12.2023 and 15.11.2021 and consequently direct the 1st respondent to reinstate the petitioner with all attendant benefits.

2. It is the case of the petitioner that he had joined the services of the Revenue Department as a Village Administrative Officer on compassionate grounds on 11.12.2015 at Gurumathur Village, Gobichettipalayam Taluk, Erode District and since then he has been serving at various places. While he was functioning as a Village Administrative Officer, Elathur “A” village, Nambiyur Taluk, one M.S.Rathinasamy had approached the Tahsildar for the grant of Solvency Certificate in respect of the property owned by his deceased father Chellappa Gounder, Koodakarai Village, Nambiyur Taluk.

3. The petitioner would submit that the Zonal Deputy Tahsildar appears to have demanded a bribe and in this regard a trap was held and the petitioner was unnecessarily dragged into the picture without any fault of his. Thereafter, a criminal case was lodged both against the Zonal Deputy Tahsildar and the petitioner. The 1st respondent had issued an order of suspension dated 15.11.2021 suspending the petitioner from service on account of the pendency



of an investigation in respect to a demand and acceptance of illegal gratification under Section 17 [e][2] of the Tamil Nadu Civil Services (Disciplinary and Appeal) Rules.

4. The petitioner would submit that he had absolutely no knowledge about the demand of bribe by the Zonal Deputy Tahsildar and he was not even in the picture when the demand was made. However, a false case has been foisted against him.

5. It is the further contention of the petitioner that, though it is a mandatory requirement that an order of suspension be reviewed every 90 days as per G.O. Ms. No. 81 dated 04.08.2022, the petitioner has not been extended the benefit of such review, and the suspension has been continuing indefinitely. The petitioner would submit that he was placed under suspension on 15.11.2021 and, after waiting for over two years, submitted a representation on 27.07.2023 requesting the respondents to review the order of suspension and consider his reinstatement. The said representation was forwarded by the 2nd respondent to the 1st respondent. Thereafter, the 1st respondent, by the impugned order dated 31.12.2023, rejected the petitioner's request by relying upon a Government



Letter dated 26.04.2016. Aggrieved by the same, the petitioner is before this Court.

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6. The learned Senior Counsel for the petitioner would submit that, in a similar circumstance earlier, this Court had allowed writ petitions filed by similarly placed persons and directed the respondents therein to reinstate them in non-sensitive posts. He would further submit that the impugned order has been passed without taking into account the judgment of the Hon'ble Supreme Court in *Ajay Kumar Choudhary vs. Union of India*, reported in **(2015) 7 SCC 291**. He would therefore submit that the Writ Petition be allowed and the petitioner be posted in a non-sensitive post.

7. A counter affidavit has been filed denying the allegations contained in the affidavit filed in support of this Writ Petition. It is the contention of the respondents that charges have been framed and a charge memo has already been issued to the petitioner on 26.02.2024. Therefore, the question of revoking the suspension and reinstating him does not arise, particularly in view of the fact that the petitioner was remanded to judicial custody for two days. Hence, the Writ Petition deserves to be dismissed.



8. The learned counsel appearing on behalf of the respondents would vehemently contend that charges have been framed against the petitioner and a charge memo has also been issued and at this juncture, if the petitioner is reinstated into service by revoking his suspension, there is a likelihood of his tampering with the evidence/records. Therefore, he cannot be reinstated into service.

9. Heard the learned counsel on either side and perused the records.

10. A perusal of the impugned order would indicate that the petitioner's request has been rejected by relying upon a Government letter dated 26.04.2016. This letter does not take into account the observations made by the Hon'ble Supreme Court in the case of **Ajay Kumar** cited supra.

11. The Hon'ble Supreme Court, while considering the issue of suspension, had observed that protracted periods of suspension and repeated renewals have become the norm rather than the exception. As a result, a person who has been suspended is placed in a situation where he has to endure not only the ignominy of being out of work but also face societal repercussions.



12. The Hon'ble Supreme Court has observed that suspension should be for a short duration. If, on the basis of the available material, it appears that no useful purpose would be served by continuing the employee under suspension and that his reinstatement would not be threat to a fair trial he must be reinstated into service.

13. In W.P. No. 4493 of 2016, the learned Judge ultimately allowed the Writ Petition and directed reinstatement of the petitioner in a non-sensitive post. This order was followed by another learned Judge in W.P. No. 19037 of 2021, wherein by order dated 09.06.2021, the respondents were once again directed to reinstate the petitioner in a non-selective post.

14. This Court also had occasion to consider the above-referred letter in W.P. No. 6263 of 2022. The said Writ Petition was allowed, with the following observations:-

“ 19. The petitioner's suspension, as evident from a reading of the impugned order, is only on account of the letter dated 26.04.2016. This is a fallacy as authorities have proceeded to pass orders without taking into consideration the earlier order passed by this Court in WP.No.4493 of 2016, wherein this letter



has been quashed. Therefore, this writ petition is allowed. The impugned order is quashed and the petitioner shall be appointed to some non sensitive post as the charge sheet is yet to be filed.

Consequently, the connected miscellaneous petitions are closed.

No costs.

15. Therefore, considering that the present case rests on the very same factual matrix, this Writ Petition is allowed. The impugned orders are set aside and the 1st respondent is directed to reinstate the petitioner to some non-sensitive post with all attendant benefits as would be applicable to the petitioner within a period of one month from the date of receipt of a copy of this order. No costs. Consequently, the connected Miscellaneous Petition is closed.

17-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

SHR

To

1. The District Collector
Erode
2. The Revenue Divisional Officer
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P.T.ASHA J.

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