IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-02-2026

CORAM

THE HON'BLE MR.JUSTICE T. VINOD KUMAR

WP Nos. 10070 and 10074 of 2021

and WMP Nos. 10704 and 10708 OF 2021

C.Ekambaram

..Petitioner in both W.Ps

Vs

1.The Assistant Director of Survey and
Land Records Chennai -1.

2.The Regional Deputy Director of
Survey and land Records
Chennai -5.

3.The Commissioner and Director of
Survey and Settlement Chepauk,
Chennai -5.

…..Respondents in
W.P.No.10070 of 2021

1.The Assistant Director of Survey and
Land Records Chennai -1.

2. The Commissioner and Director of
Survey and Settlement Chepauk,
Chennai -5.

…..Respondents in
W.P.No.10074 of 2021

Prayer in W.P.No.10070 of 2021 : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus to call for the records of the respondents in connection with the impugned order passed by the 1st respondent in Na.Ka.No.A3/5034/2019 dated 09/01/2020 and confirmed by the 2nd respondent in Na.Ka.No.A2/2114/2020 dated 08/09/2020 and quash the same and direct the respondents to settle the period of suspension form 21/05/2010 to 30/04/2012 as duty for all purposes, draw and disburse the pay and allowances within a reasonable time.

Prayer in WP No. 10074 of 2021: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus to call for the records of the 2nd respondent in connection with the impugned order passed by him in Na.Ka.L4 /23963 /2015 dated 01/11/2019 and quash the same and direct the respondents to regulate the period of suspension from 21/05/2010 to 30/04/2012 as duty for all purposes, draw and disburse the pay and allowances within a reasonable time.

For Petitioner in both W.Ps:	Ms.R. Deepika Sonali for Mr. M.Muthappan
For Respondents in both W.Ps:	Mrs. V. Yamunadevi, SGP

COMMON ORDER

Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents and perused the materials available on record.

2. The petitioner by the present writ petition has assailed the action of the second respondent in Proceedings in Na.Ka.No.A2/2114/2020 dated 08.09.2020

confirming the orders of the first respondent in Na.Ka.No.A3/5034/2019 dated 09.01.2020 with a consequential direction to the respondents to treat the period of suspension from 21.05.2010 to 30.04.2012 as on-duty for all purposes, draw and disburse the pay and allowances within a reasonable time.

3. It is the case of the petitioner that while the petitioner was due for retirement on 30.04.2012, the respondent by proceedings dated 26.04.2012 extended the service of the petitioner on the ground that there is a pending criminal case under the Prevention of Corruption Act vide C.C.No.22 of 2011 and did not allow him to retire from service.

4. It is the further case of the petitioner that on the date when the respondent took a decision not to allow the petitioner to retire on the date of attaining the age of superannuation, no disciplinary proceedings were pending against him; that the criminal case which formed the basis for the respondents to extend his service, resulted in acquittal on 31.08.2016.

5. The petitioner further contended that on the criminal court recording acquittal in C.C.No.22 of 2011 dated 31.08.2016, the respondents vide proceedings dated 21.10.2019 revoked the order of suspension and allowed him to retire from service w.e.f. actual date of retirement i.e., 30.04.2012.

6. It is the further case of the petitioner that the respondents after he securing acquittal in criminal case had initiated disciplinary proceedings by issuing charge memo on 13.10.2017 under Rule 17 (b) of Rules Tamil Nadu Civil Service (Disciplinary and Appeal) Rules and appointed an enquiry officer who submitted his enquiry report on 07.09.2018 holding that the charges against the petitioner are not been proved; that the respondent authority not satisfied with the enquiry report, had called for second enquiry report, and the Enquiry Officer submitted the revised enquiry report on 07.01.2019 holding the charges are partly proved and on the aforesaid basis, the first respondent has passed the impugned order, which has been confirmed by the second respondent.

7. On behalf of the petitioner, it is contended that the respondent having revoked the suspension and allowing to retire w.e.f 30.04.2012, firstly could not have issued charge memo dated 13.10.2017 after a lapse of more than 4 years from the actual date of his superannuation i.e., 30.04.2012, even though the respondents had invoked the Fundamental Rules 54(11) to claim that charges against him are contemplated without taking any action within a period of 4 years from the date of actual retirement; and secondly, that the respondent cannot claim that the petitioner suspension period cannot be regularised on account of the order of punishment passed on 01.11.2019, which proceedings have been initiated after the actual date of retirement.

8. Counter affidavit has been filed on behalf of the respondents.

9. The respondents by the counter affidavit contended that though the petitioner secured acquittal in criminal proceedings, the respondents having regard to Rule 54 as amended vide G.O.Ms.No.84 dated 24.03.1995 did not regularise the suspension period of the petitioner from 2010 to 2012, as there is no specific order or direction of Court of competent jurisdiction and it is for the said reason, the first respondent in his memo dated 09.01.2020 addressed to the petitioner that it has been proposed to regularise the suspension period from 21.05.2010 to 30.04.2012 by treating the same as annual leave, unearned leave on private affairs and leave of loss of pay and thereafter, issued proceedings dated 09.01.2020.

10. On behalf of the respondents, it is further contended that the first respondent thereafter revised the said proceedings dated 05.03.2020 by adjusting the suspension period as communicated thereunder, and thus, the petitioner cannot claim for the suspension period is to be treated as on-duty.

11. By the counter affidavit, it is further contended that the aforesaid order of the first respondent has been confirmed by the second respondent vide proceedings dated 08.09.2020 based on Fundamental Rule 54(11).

12. I have taken note of the respective contentions urged by the learned counsel on either side.

13. A reading of FR 54(11) indicates that when a Government servant is placed under suspension having reported pending enquiry into grave charges against him or where charges are contemplated on departmental side and a criminal proceedings is also instituted simultaneously in respect of the same charges and is subsequently reinstated into service, the period of suspension shall be treated as on-duty if there is a specific order or direction of Court of competent jurisdiction.

14. In the facts of the present case, admittedly, no charge has been issued to the petitioner when he was placed under suspension or when the respondent decided to extend his service by not allowing him to retire on the date of superannuation and extended his service vide proceedings dated 26.04.2012 for the respondents to claim that the disciplinary proceedings and the criminal proceedings are instituted simultaneously.

15. The respondent on the other hand waited for the outcome of the result in criminal proceedings in C.C.No.22 of 2011 and after the petitioner securing acquittal in the aforesaid criminal case initiated disciplinary proceedings on 13.10.2017 i.e., after 5 years 3 months after the actual date of petitioner's retirement from service and beyond 4 years of the actual date of retirement. Since, the respondents did not choose to initiate any disciplinary action while

invoking Rule 54(11) for extending service of the petitioner and on the other hand, having initiated disciplinary proceedings only after dismissal of the C.C.22 of 2011, this Court is of the view that the respondent cannot place reliance of FR 54(11) to claim that the disciplinary proceedings and a criminal proceedings are instituted simultaneously, for them to claim that there should be a specific order from the Court of competent jurisdiction directing for treating the suspension period as on-duty.

16. On the other hand, the case of the petitioner would be governed by FR 54(9)(a) which provides for period of suspension being treated as on-duty on securing acquittal in the criminal case, irrespective of the fact where the said acquittal is honorary acquittal or otherwise, entitling him not only the suspension period being treated as on-duty but for all purposes and should be paid full pay and allowances.

17. In view of the above, this Court is of the view that the impugned proceedings of the first respondent as confirmed by the second respondent in WP.No.10070 of 2021 is contrary to FR (54)(9) as such cannot be sustained.

18. Insofar as the relief sought for in writ petition vide WP.No.10074 of 2021 is concerned, as this Court has now come to the conclusion that the

Suspension period would be governed by FR.54(9) of Tamil Nadu Fundamental Rules, it is axiomatic that the suspension period is to be treated as on duty and needs to be regularized. Consequently, the impugned order passed by the 2nd respondent is proceedings Na.Ka. L4 /23963 /2015 dated 01/11/2019 cannot be sustained.

19. Accordingly, both the writ petitions are allowed and proceedings of the first respondent dated 09.01.2020 in Na.Ka.No.A3/5034/2019 as confirmed by the second respondent in Na.Ka.No.A2/2114/2020 dated 08.09.2020 impugned in WP.No.10070 of 2021 and the impugned order of 2nd respondent in Na.Ka.No.A2/2114/2020 dated 08/09/2020 are quashed with all consequential benefits. No costs. Consequently connected miscellaneous petitions are closed.

11-02-2026

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

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   Land Records Chennai -1.

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T.VINOD KUMAR J.

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