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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-06-2026

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

**WP No. 16284 of 2024
and
WMP No.17818 of 2024**

J.Govindaraj
S/o.Jagan Mohan,

..Petitioner(s)

Vs

1. The Revenue Divisional Officer,
Ariyalur Division, Ariyalur District.
2. The Deputy Superintendent Of Police,
Vigilance and Anti-Corruption, Ariyalur.

(R-2 SUO MOTU IMPEADED DT.21.06.2024
MADE IN WP.16284/2024 BY DBCJ)

..Respondent(s)

This writ petition filed under Article 226 of the Constitution of India to issue a writ of certiorarified mandamus to call for the records pertaining to the orders of suspension passed by the respondent in R.C. No.A1/ 2462/ 2022 dated 13/08/2022 and quash the same and consequently direct the respondent to reinstate the petitioner will all consequential monetary benefits.

For Petitioner(s): Mr.S.Kamadevan

For Respondent(s): Mr. A.R.Balaji,
Gov. Advocate

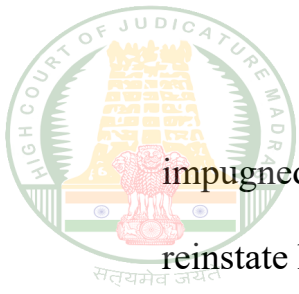


ORDER

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This writ petition has been filed seeking to quash the impugned order of the 1st respondent dated 13.08.2022 and to direct the respondents 1 to 3 to reinstate the petitioner in a non-sensitive post.

2. The petitioner was appointed as Village Administrative Officer in the year 2012 through TNPSC recruitment. According to the petitioner, he has been falsely implicated in a case of demanding bribe for issuing patta to one Sachithanantham, and a trap had been laid against him for charges of corruption under Section 7(b) of the Prevention of Corruption (Amendment) Act, 2018 and an order of suspension was issued to him on 13.08.2022. The petitioner had submitted his representation dated 21.03.2023 to the first respondent seeking to reinstate him into services and to revoke his suspension. There was no response from the first respondent. Hence, the petitioner had approached this Court in W.P.No.18411 of 2023 seeking to revoke his suspension order as well to reinstate him into service. This Court by order dated 23.06.2023 had directed the first respondent to consider the representation of the petitioner dated 21.03.2023 on its own merits and pass appropriate orders in accordance with law. Pursuant to the directions of this Court, the first respondent had passed the



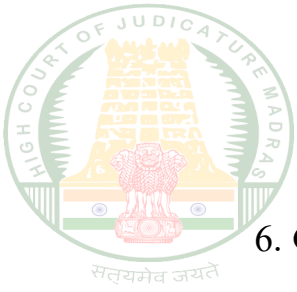
impugned order dated 01.09.2023, rejecting the plea of the petitioner, to reinstate him. Aggrieved by the same, the petitioner is before this Court.

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3. The learned counsel appearing for the petitioner would submit that the impugned order is a non-speaking order. He would further submit that the petitioner has been kept under prolonged suspension since 13.08.2022, and even after a lapse of considerable period, neither a charge memo nor disciplinary proceedings have been initiated against him. Therefore, such continued suspension is punitive in nature and it is impermissible in law. He would further submit that the Hon'ble Supreme Court in a catena of decisions, has held that suspension cannot be continued for an indefinite period.

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

5. In the case on hand, the petitioner has been placed under suspension by order dated 13.08.2022, and continued to remain under suspension for a considerable period. Admittedly, neither a charge memo nor disciplinary proceedings has been issued to the petitioner till date.



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6. G.O.Ms.No.81, Human Resources Management (N) Department, dated 04.08.2022, has been issued with a view to prevent unnecessary prolonged suspension and mandates periodical review of suspension. However, the 1st respondent has failed to review the order of suspension of the petitioner, periodically as required under the said Government Order.

7. The Hon'ble Supreme Court in the judgment reported in (2015) 7 SCC 291 [*Ajay Kumar Choudhary Vs. Union of India*] has categorically held that the currency of a suspension order should not extend beyond three months, if within that period the charge sheet is not served. In the present case, despite lapse of considerable time, no charge sheet has been filed and the petitioner continues to remain under suspension, which is contrary to the principles laid down by the Hon'ble Supreme Court.

8. This Court, in similar circumstances, has consistently held that an employee cannot be kept under prolonged suspension and has directed the authorities to post such employees in a non-sensitive post, pending proceedings.



9. In view of the above, this Court is of the considered view that the continued suspension of the petitioner cannot be sustained. Accordingly, this writ petition is allowed. The impugned order is quashed and the petitioner shall be posted in some non-sensitive post, as the case registered against him in Spl.C.C.No.1 of 2023 is yet to be commenced. Consequently, the connected miscellaneous petition is closed. No costs.

04-06-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

MRP

To

1. The Revenue Divisional Officer
Ariyalur Division, Ariyalur District.
2. The Deputy Superintendent Of Police,
Vigilance and Anti-Corruption, Ariyalur.



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WP No. 16284 of 2



P.T.ASHA, J.

MRP

WP No. 16284 of 2024

04-06-2026