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IN THE HIGH COURT OF JUDICATURE AT MADRAS**RESERVED ON : 29.05.2026****PRONOUNCED ON : 18.06.2026****CORAM****THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN****W.P.No.20200 of 2026 and**
W.M.P.No.21636 of 2026

K.Ramesh

... Petitioner

Vs.

1. The Director General of Audit,
6th Floor, Professor Anbazhagan Maaligai,
Nandanam, Chennai – 600 035.

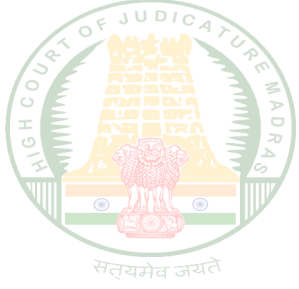
2. The Assistant Director,
State Government Audit cum
Tamil Nadu Housing Board Audit,
3rd Floor, LLA Building, Town Hall,
Coimbatore – 641 001.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for records pertaining to the impugned order bearing Na.Ka.No.O.No.1/e410962/2024 dated 27.11.2025 on the file of the first respondent and quash the same as arbitrary, illegal and unconstitutional and consequently direct the respondents to reinstate the petitioner.

For Petitioner : Mr.Abhinav Parthasarathy

For Respondents : Mr.R.Chakkaravarthy,
Government Advocate.



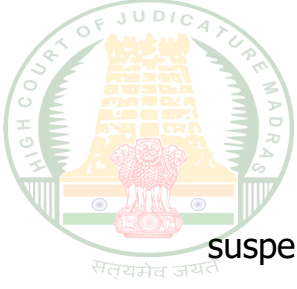
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ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Government Advocate appearing for the respondents.

2. With the consent of both the parties, this writ petition itself is taken up for final disposal.

3. The writ petitioner was working as Inspector, in the office of the Regional Joint Director, Local Fund Audit, Coimbatore. A complaint was received from one Mrs.K, Assistant Inspector, that the petitioner herein had sexually harassed her. Vide proceedings dated 08.11.2024, the petitioner was called upon to attend the enquiry into the said allegation under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. Pending enquiry, the petitioner was transferred and posted in the office of the Assistant Director, State Government Audit, Tamil Nadu Housing Board Audit, Town Hall, Coimbatore on 29.11.2024. Pursuant thereto, the petitioner joined duty in the transferred place. While so, vide proceedings dated 07.12.2024, he was placed under suspension. Seeking revocation of the

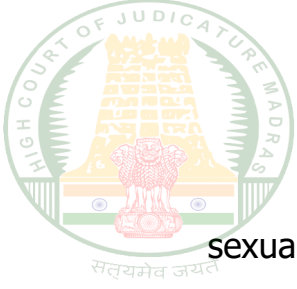


suspension order, the petitioner submitted representation dated 19.12.2024.

4. The first respondent issued charge memo dated 24.12.2024. The petitioner submitted his reply on 23.02.2025. The first respondent vide proceedings dated 17.04.2025 constituted an Internal Complaints Committee to conduct enquiry in terms of Rule 17(b) of Tamil Nadu Civil Services (Disciplinary & Appeal) Rules. The suspension order issued against the petitioner was extended vide proceedings dated 23.05.2025. Such extension orders were periodically issued. Challenging one such extension order dated 27.11.2025, this writ petition has been filed.

5. The learned counsel appearing for the writ petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to set aside the impugned order and direct the petitioner's reinstatement.

6. Per contra, the learned Government Advocate submitted that since the enquiry is pending against the petitioner, the order of reinstatement may cause prejudice. He added that the complaint against the petitioner is rather serious and grave. Since an allegation of

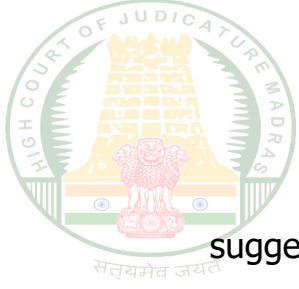


sexual harassment has been made against the petitioner, an indulgent approach by this court is not warranted. He prayed for dismissal of the writ petition.

7. I carefully considered the rival contentions and went through the materials on record.

8. The petitioner's counsel submitted that the writ petitioner is a differently abled person. His mobility is severely restricted. Both his legs are polio-afflicted and he cannot walk without crutches.

9. According to the learned counsel for the writ petitioner, the writ petitioner took exception to the complacent discharge of official duties by the complainant and this had given rise to the impugned complaint under the POSH Act. A copy of the charge memo enclosed in the typed set of papers would show that except her own complaint letters, there is no other material to substantiate her allegation. From the replies submitted by the writ petitioner in response to the charge, one can come to the conclusion that the allegations are inherently improbable. The learned counsel wanted me to visualize the office setting. He



suggested that if the character of the writ petitioner was actually what has been portrayed in the complaint, certainly, the complainant would have received at least one improper text message.

10.The contentions of the writ petitioner are quite persuasive. Considering the scope of this writ petition, I cannot go into the merits of the matter. The only question that calls for consideration is whether the continuance of the petitioner's suspension is justified in the light of the provisions of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (POSH Act).

11.Section 11(3) of the Act reads as follows:

"11. Inquiry into complaint.— (1)...

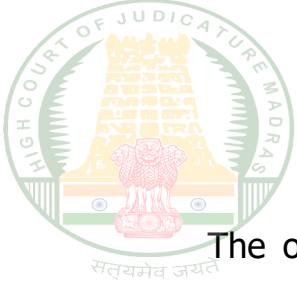
(2)

(3) For the purpose of making an inquiry under sub-section (1), the Internal Committee or the Local Committee, as the case may be, shall have the same powers as are vested in a civil court the Code of Civil Procedure, 1908 (5 of 1908) when trying a suit in respect of the following matters, namely:—

(a)

(b) ...

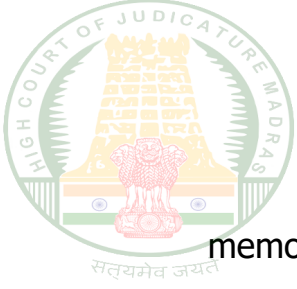
(4) The inquiry under sub-section (1) shall be completed within a period of ninety days."



The order of suspension was passed on 07.12.2024. More than 1 ½ years have lapsed since then. Placing a person under suspension ought to serve some purpose. The complaint against the petitioner was made on 03.10.2024. The petitioner was called upon to attend enquiry under **Section 11 of** the POSH Act on 08.11.2024. Pending enquiry, he was also transferred to the office of the second respondent vide order dated 29.11.2024. The authority does not appear to have taken note of two relevant aspects, namely, transfer of the petitioner and his physical condition. But the petitioner has not challenged the order of suspension. What has been assailed is the order permitting its continuance.

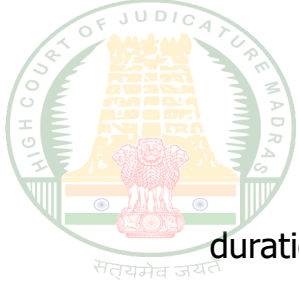
12.The Hon'ble Supreme Court in ***O.P.Gupta v. UOI (1987) 4 SCC 328*** held that suspension is inherently injurious to an employee's interest and that it should not be imposed lightly, and certainly, should not be allowed to continue indefinitely.

13.In ***Ajay Kumar Choudhary v. UOI (2015) 7 SCC 291***, the Hon'ble Supreme Court held that the currency of a suspension order should not extend beyond three months if within this period, the



memorandum of charges or charge sheet is not served on the delinquent officer/employee; if the memorandum of charges/charge-sheet is served, a reasoned order must be passed for the extension of the suspension. This decision was considered by the Hon'ble Full Bench of this Court in ***P.Kannan v. Commissioner for Municipal Administration (2022 SCC Online Mad 1154)***. It was held that ***Ajay Kumar Choudhary*** does not lay down an absolute proposition of law that an order of suspension cannot be continued beyond the period of three months if the charges/charge-sheet has not been served within three months or if memorandum of charges/charge sheet is served without reasoned order of extension. It was further held that revocation of suspension with a direction to the employer to post an employer in a non-sensitive post cannot be done as a matter of course and that it has to be based on the facts of each case and after noticing the reason for the delay in serving the memorandum of charges/charge-sheet.

14.In ***State of T.N v. Promod Kumar (2018) 17 SCC 677***, it was reiterated that one has to frown upon the practice of protracted suspension and that suspension must necessarily be for a short

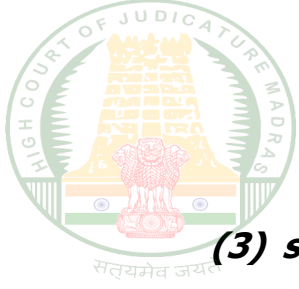


duration. On being convinced that no useful purpose would be served by continuing the employee under suspension any longer and that his reinstatement would not be a threat to a fair trial, the Hon'ble Supreme Court declined to interfere with the order of the High Court revoking suspension.

15.The Hon'ble Supreme Court declined to extend the benefit of the ratio laid down in ***Ajay Kumar Choudhary and Promod Kumar*** in ***Kalyan Dombivali Municipal Corporation v. Sanjay Gajanan Gharat (AIR 2022 SC 1618)*** because in that case, the delinquent employee did not extend his cooperation by not participating in the disciplinary proceedings.

16.It is a settled principle of law that any administrative order impacting one's rights must contain reasons. The principle of reasoned decision requires every decision to be supported by valid and clearly stated reasons to promote transparency and accountability in the decision making process (vide ***S.Janaki Iyer v. UOI (AIR 2025 SC 2592)***).

17. I went through the contents of the impugned order dated 27.11.2025. It merely states that the enquiry under ***Section 11 clause***



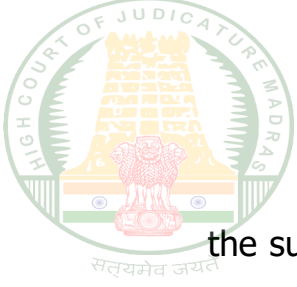
(3) sub clause (4) of the POSH Act is still pending and that the

Internal Complaints Committee is taking action in the matter. As per the statutory scheme underlying the POSH Act, enquiry should be concluded within a period of ninety days from the date of receipt of the complaint. The charge memo was issued as early as on 24.12.2024. I had a look at the annexures. Two documents have been marked, namely, complaint letter of "K" and the enquiry report of the Deputy Director of Local Fund Audit, Thiruchirappalli Corporation Audit have been enclosed as documents. In the Annexure, the number of witnesses has been shown as Nil. Concluding such an enquiry based on the uncorroborated testimony of "K", ought not to take this long. The writ petitioner had not delayed any of the proceedings. No purpose will be served in keeping under suspension any further. The petitioner has not rushed to this Court at the earliest. Only after being under suspension for so long, has he moved this Court. His reinstatement will not in any way affect the proceedings. The continuance of the writ petitioner's suspension has acquired punitive character.

18.An employee, particularly a person severely physically challenged, is entitled to expeditious disposal of the disciplinary action.



It is true that he is facing a complaint under the POSH Act. The POSH Act itself contemplates transfer of the employee against whom the allegation has been made. This power conferred under Section 12(1) of the POSH Act has already been exercised. Therefore, the authority ought to have come out with further justification as to why the suspension became imperative. Though no such convincing explanation has been put forth, the petitioner herein has not challenged the order of suspension. He is only aggrieved by the fact that the suspension order made in November 2024 has been continuing till now. Whether the continuance is warranted or not, can be discerned only from the reasons assigned by the employer. That is why, it has been consistently held that an order extending the employee's suspension will have to contain reasons. The order of suspension cannot be mechanically extended. In the case on hand, I am satisfied that the impugned order of suspension has been mechanically extended and is bereft of reasons. The extension order must speak for itself. It must show as to why though the employee is under suspension for more than 1 ½ years, he should continue to be under suspension. If extension is being made for the first time say after 90 days, the threshold would not be that high. Sometimes, even a cryptic order may pass muster. But when



the suspension has already crossed a substantial period, burden lies on the authority to justify further extension. And the justification must be evident from the face of the order. In the case on hand, this burden has not been discharged. When the impugned order was passed, the petitioner was already under suspension for close to one year. We are now in May 2026. Further six months have elapsed. It is for this reason that I propose to interfere.

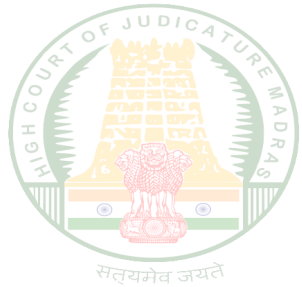
19. In this view of the matter, the impugned order is quashed. The first respondent is directed to reinstate the petitioner forthwith. It goes without saying that the petitioner will be posted in a place where the complainant is not working. This writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

18.06.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
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To:

1. The Director General of Audit, 6th Floor, Professor Anbazhagan Maaligai, Nandanam, Chennai – 600 035.
2. The Assistant Director, State Government Audit cum Tamil Nadu Housing Board Audit, 3rd Floor, LLA Building, Town Hall, Coimbatore – 641 001.



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WP No.20200 OF 2026

G.R.SWAMINATHAN,J.

PMU/skm

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