



WEB COPY

WA No. 172 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-01-2026

CORAM

THE HON'BLE MR JUSTICE R. SURESH KUMAR

AND

THE HON'BLE MR.JUSTICE P. DHANABAL

**WA No. 172 of 2026
and C.M.P.No.1415 of 2026**

1. The Deputy Inspector General Of Police
Salem Range,
Salem
2. The Superintendent Of Police
District Police Office, Krishnagiri District

..Appellant(s)

Vs.

A Ravi
s/o.Late Adhimoolam

..Respondent(s)

To allow this WA and set aside the order dated 05.02.2025 made in
WP No.3832/2025

For Appellant(s): Mr.P.Kumaresan,
Additional Advocate General
assisted by Mr.E.Veda Bagath Singh
Special Government Pleader

For Respondent(s): Mr.S.Vijayakumar, Senior Counsel
for Mr.K.N.Pandian



JUDGMENT

(Judgment of the Court was delivered by R.Suresh Kumar J.)

This intra-court appeal has been directed against the order dated 05.02.2025 made in W.P.No.3832 of 2025.

2. The respondent/writ petitioner was working as Sub-Inspector of Police. Due to the trap case made by the Director of Vigilance and Anti-Corruption [in short, 'DVAC'], he has been placed under suspension on 02.10.2024, since then he has been under suspension.

3. On 06.01.2025, the respondent/writ petitioner had given a representation to reconsider or review his suspension order, since the same has not been considered, he had approached the Writ Court and filed the said writ petition seeking for a writ of mandamus to consider his representation dated 06.01.2025.

4. The Writ Court having considered the import of G.O.(Ms).No.81, Human Resources Management (N) Department, dated: 04.08.2022 and having heard the arguments advanced by both sides, was pleased to dispose the said writ petition by giving a direction to the appellant Department to consider the representation of the writ petitioner dated 06.01.2025 and pass appropriate



orders by understanding the true spirit of the observations, which has been made by the Writ Court in the said order of-course by following the decision of the Hon'ble Supreme Court in ***Bhupinder Singh Vs. Unitech Ltd., and Ors.*** in ***C.A.No.10856 of 2016.***

5. Aggrieved over the said order, the present appeal has been filed.

6. Mr.P.Kumaresan, learned Additional Advocate General appearing for the appellant would submit that, in fact the orders of the Writ Court having been considered the representation given by the petitioner dated 06.01.2025 was decided by passing an order dated 08.04.2025, whereby based on the report that has been received from the DVAC, the plea raised by the petitioner by his representation dated 06.01.2025 having been considered was rejected through order dated 08.04.2025 thereby, the order passed by the Writ Court dated 05.02.2025 in fact has been complied with. However, the respondent/writ petitioner had moved contempt petition, which is pending before the single Judge and it is likely to be construed as if that the representation of the respondent/writ petitioner dated 06.01.2025 has not been considered in proper perspective and the true spirit of the observations that has been made by the Writ Court in the order impugned, therefore it become necessiated for the appellant Department to move the present intra-court appeal challenging the order dated 05.02.2025 of the Writ Court, he contended.



7. We have heard Mr.S.Vijayakumar, learned Senior Counsel appearing for the respondent/writ petitioner, who would submit that insofar as the import of G.O.(Ms.) No.81 is concerned even under G.O.(Ms.)No.81, there has been a time limit for completion of the disciplinary proceedings within a period of three months by filing a charge memo and even in respect of cases referred to or by the DVAC, a maximum period of one year since has been allowed through G.O.(Ms.)No.81, within the one year period, if not the DVAC has come forward to complete the investigation and file a charge sheet before the concerned Criminal Court, even in that case also, the suspended employee is entitled to seek for review of the suspension, therefore that import even though is very much available in the G.O(Ms.)No.81 and also the observations that has been made by the Writ Court through the impugned order by following a decision in this regard by the Hon'ble Supreme Court, the present order i.e., dated 08.04.2025 passed by the appellant Department rejecting the plea raised by the writ petitioner by citing the very same reason of the DVAC as if that the investigation is still pending may not be justifiable, therefore, there is every justification on the part of the respondent/writ petitioner to pursue his coercive steps by filing a contempt petition for having not understood the order passed by the Writ Court in proper perspective to comply the same with its true letter and spirit, therefore the writ appeal is liable to be dismissed, he contended.



8. We have considered the rival submissions made by the learned counsel appearing for both sides and have perused the materials placed before this Court.

9. Even though certain observations that have been made with regard to the intention of the Government interpreting G.O(Ms.)No.81, Human Resources Management (N) Department, dated 04.08.2022 and also some of the observations made by the Hon'ble Supreme Court in **Bhupidera** case cited supra having been taken into account, since the learned Judge while disposing the said writ petition used the words “the writ petition was allowed” and the respondent therein, who is the appellant herein was directed to consider the representation of the petitioner dated 06.01.2025, a positive order was expected to be passed. However, since a rejection order had been passed by the appellant Department on 08.04.2025, it triggers the petitioner to move the contempt petition and the same is said to be kept pending.

10. Be that as it may, insofar as the reasons cited by the appellant Department in its rejection order dated 08.04.2025 mainly rallying only with regard to the report that they received from the DVAC, which reads thus:

“4] The investigating agency has informed that the investigation of the trap case is in progress against the Writ Petitioner Thiru.A.Ravi, Sub-Inspector of Police, (U/S) formerly of



Kallavi Police Station, Krishnagiri District. The offence committed by the Writ Petitioner is serious in nature and are to be tried before the competent Court of Law on the final report filed by the V & AC Authority.”

11. In this context, what progress has been made by the V&AC has not been spelled out in the said report as can be culled out from paragraph 4 of the rejection order.

12. It is in this context, to be noted that, Clause 11(iii) of the G.O. (Ms.)No.81,reads thus:

“11.....

(iii) In cases, where a Government Servant has been suspended and the matter has been referred for investigation to the Director of Vigilance and Anti-Corruption for enquiry, the latter should complete the enquiry and send the report to Government through the Vigilance Commission within one year.”

13. Though it is mentioned that in cases, where a Government servant has been suspended and the matter was referred for investigation to the DVAC, after enquiry, the DVAC has to give a report within the maximum period of one year, insofar as the cases, where if the trap case like the present one is set up by the DVAC and from the date of the arrest of the employee because of the trap case, since the investigation would be commenced by DVAC from the date



itself, the limitation period of one year that has been provided under Clause 11(iii) of the G.O, in our considered view can be *Mutatis mutandis* be extended to DVAC to complete the investigation within one year period towards filing the charge sheet only for the limited purpose of reviewing the suspension that has been made against the Government employee in the teeth of G.O(Ms.)No.81 referred to above.

14. Otherwise, if clause 11(ix) is invoked in DVAC cases, if the limitation would not be applicable to any criminal cases including the DVAC cases, the very purpose of Clause 11(iii) of the G.O would get defeated. Therefore, once if cases referred to DVAC or the cases initiated by the DVAC as the present one, the outer limit of one year prescribed under Clause 11(iii) should be made applicable in both the cases to complete the investigation and to file a report or file a final report or charge sheet before the concerned Court and if not filed, it is open to the disciplinary authority or the Government as the case may be to review the suspension of an employee, who has been under suspension for more than one year period from the date of investigation initiated by the DVAC, even in cases, where trap case has been set up.

15. If that principle is applied to the present facts of the case, thereby the case has been set up on 02.10.2024, from that date, since the investigation has to be initiated and to be made progress by the DVAC, the one year start from then



and it would be over by 02.10.2025. Within the one year period since the representation dated 06.01.2025 was given within three months from the date of suspension and it was considered because of the order impugned passed by the writ Court dated 05.02.2025, the disciplinary authority or the appellant Department had no occasion to consider the said representation dated 06.01.2025 of the employee after completion of one year period as has been contemplated under Clause 11(iii) of G.O.(Ms.)No.81 as discussed herein above. Therefore, the rejection made on 08.04.2025 cannot be construed as a wilful disobedience of the writ Court order dated 05.02.2025.

16. But, at the same time, there is absolutely no impediment for the appellant department to review or reconsider the suspension made against the employee on 02.10.2024, at least after completion of one year period i.e., after 02.10.2025. In order to give effect to the provision of G.O.(Ms.)No.81, especially under Clause 11(iii) as discussed herein above and in that case, if the suspension order made against the employee on 02.10.2024 has taken up for review and after taking into account that even after one year period, no report has been filed and no charge sheet has been filed by the DVAC after completing investigation, then certainly it is open to the employer to positively consider the request being made in this regard by the employee to review the suspension.



17. If this being the nicety of the import of G.O(Ms.)No.81, dated 04.08.2022 and in order to give effect to the provisions that has been made under G.O(Ms.)No.81 effectively neither in favour of the employer nor in favour of the employee but only with a true letter and spirit that has been intended by the makers of the G.O, we deem it appropriate to give the following directions in this writ appeal:

a) That there shall be a direction to the appellant department to reconsider and review the suspension order that has been made against the respondent/writ petitioner on 02.10.2024 in the light of Clause 11(iii) of the G.O(Ms.)No.81 as interpreted by this Court in the present order and also the observation made herein above.

b) While reviewing the suspension order, the appellant/disciplinary authorities must bear in mind that even after one year, even till date, no investigation seems to have been completed by DVAC and no charge sheet has been filed against him and even in the disciplinary proceedings no charge memo has been filed so far. Therefore, these are all the conducive atmosphere in favour of the employee to seek for a positive consideration of review of the suspension order and therefore, to that extent, the review shall be made by the appellant department against the suspension order and suitable orders in the light of the discussions, which we have made in this order, shall be passed within a period of one month from the date of receipt of a copy of this order.



WEB COPY

WA No. 172 of 2



**R.SURESH KUMAR, J.
AND
P.DHANABAL, J.**

mp

c) In view of the aforesaid discussions, findings and directions, the order dated 05.02.2025 can only be considered as an order interpreting the import of G.O(Ms.)No.81, which is subject to the interpretation, which we have given in this order and therefore, no further coercive steps need to be taken by the respondent/writ petitioner against the appellant for allegedly having not been complied with the order of the Writ Court dated 05.02.2025 so far.

With the above observations and directions, this writ appeal is ordered accordingly. However, there shall be no order as to costs. Connected miscellaneous petition is closed.

**(R.S.K.,J.) (P.D.B.,J.)
27-01-2026**

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

mp

Note: Issue order copy by 29.01.2026

W.A.No. 172 of 2026