



W.A(MD) No.118 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 07.01.2026

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MRS.JUSTICE R.KALAIMATHI**

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&
C.M.P.(MD)No.263 of 2021

1.The Principal Secretary cum Commissioner,
Revenue Administration,
Ezhilagam, Chepauk,
Chennai-05.

2.The District Collector,
Pudukkottai,
Pudukkottai District.

... Appellants

Vs.

M.Palanisamy,
Special Tahsildar (under suspension),
Social Security Scheme,
Ponnamaravathy Taluk,
Pudukkottai District.

... Respondent

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order passed in W.P.(MD)No.5051 of 2017, dated 06.06.2017.



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For Appellants : Mr.M.Siddharthan
Additional Government Pleader

For Respondent : Mr.G.Thalaimutharasu,
for Mr.S.Srinivasa Raghavan

JUDGMENT

(Judgment of the Court was made by **G.R.SWAMINATHAN, J.**)

The department has filed this writ appeal questioning the order dated 06.06.2017 passed by the learned single Judge allowing W.P. (MD)No.5051 of 2017 filed by the respondent herein.

2. The respondent herein (M.Palanisamy) was working as Special Thasildar (Social Security Scheme), Ponnamaravathy Taluk in Pudukkottai District. He was due to retire on 31.03.2017. While so, vide order dated 20.03.2017, the District Collector, Pudukkottai placed him under suspension. Challenging the same, W.P.(MD)No.5051 of 2017 was filed. The writ petition was taken up for final disposal on 06.06.2017 and the order of suspension was set aside and the writ petition was allowed. Challenging the same, this writ appeal has been filed.



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3. The learned Additional Government Pleader appearing for the appellants submitted that the learned single Judge had completely gone wrong on facts. He pointed out that on 31.03.2017, the writ petitioner was retained in service and it was also served on him on the same date. But this aspect of the matter was suppressed before the learned single Judge and that is why, in Paragraph No.9 of the order, the learned single Judge had wrongly observed that no separate order retaining the petitioner in service was passed by the authority till the date of his retirement. He would also add that applying G.O.Ms.No.144, Personnel and Administrative Reforms (N) Department, dated 08.06.2007 was incorrect, in as much as the case on hand was a vigilance case.

4. We agree with both the contentions urged by the learned Additional Government Pleader. But yet we are unable to interfere. This is for more than one reason. Admittedly, some complaint was made against the writ petitioner by one Faqurudeen way back in the year 2015. The writ petitioner is said to have demanded and accepted bribe of Rs.9,000/- and also garments worth about Rs.2,000/-. Preliminary enquiry conducted by the Director of Vigilance and Anticorruption



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revealed that this allegation was *prima facie* true. Be that as it may, when the complaint was received against the writ petitioner in the year 2015, for full 1 ½ years, no action was taken. Even charge memo was not issued. The learned counsel for the petitioner points out that the charge memo came to be issued only on 06.07.2023. We had a look at the charge memo. It reads as follows:-

“4. You are informed that if you do not submit your written statement of defence on or before the time specified in Para-2 above or does not appear in person before the Enquiry Officer or otherwise fails to comply with the provisions of 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules 1955 or the orders or directions issued in pursuance of the said rules, the enquiry authority may hold the enquiry against you *ex parte*.”

5. We are sorry to note that this charge cannot stand as it is bereft of details. The date when the demand was made and the date when the bribe was accepted have not been spelt out. The charge thus suffers from the vice of vagueness. The writ petitioner cannot defend himself against such a vague charge. Admittedly, no FIR has been registered. In these circumstances, the learned single Judge thought it fit to hold that placing the petitioner under suspension was bad in law. The suspension order



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was passed by invoking Rule 17(e) of Tamil Nadu Civil Service (Discipline and Appeal) Rules, 1955. It states that a member of a service may be placed under suspension from service where a disciplinary Proceedings against him is contemplated or is pending or a case against him in respect of any criminal offence is under investigation, inquiry or trial.

6. The suspension order reads as follows:-

“As per the instructions of the Principal Secretary / Commissioner of Revenue Administration, Chennai in his Letter No.Ser 3(5)/10921/2017, dated 17.03.2017 and due to some administrative reasons and in the public interest, it is necessary to place Thiru.S.Palanichamy, Special Tahsildar (Social Security Scheme), Ponnamaravathi Taluk under suspension from service.

Now, therefore, under sub rule (e) of Rule 17 of Tamil Nadu Civil Service (Discipline and Appeal) Rules, the said Thiru.S.Palanichamy, Special Tahsildar (Social Security Scheme), Ponnamaravathi Taluk is placed under suspension with immediate effect until further orders.

During the period of suspension, the said Thiru.S.Palanichamy will be paid subsistence allowance and dearness allowance admissible under Fundamental Rules 53(1).

The Headquarters of the said Thiru.S.Palanichamy during the period of suspension shall be Ponnamaravathi and the said Thiru.S.Palanichamy shall not leave the Headquarters without obtaining the prior permission of the authority concerned.”



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7. Nowhere, is it stated that disciplinary action is contemplated or pending. It does not talk about pendency of the criminal prosecution at all. Of-course, there is a reference to the letter dated 17.03.2017 issued by the Commissioner of Revenue Administration. We perused the said letter also. It also does not talk about contemplation or initiating any enquiry. We hold that the requirements set out in Rule 17(e) have not been fulfilled in this case. We therefore decline to interfere with the order of the learned single Judge. The Writ Appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.S., J.) (R.K.M., J.)
07.01.2026

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