



WP(MD)No.4342 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 22.01.2026

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.4342 of 2024

and

WMP(MD) Nos.4170 & 4171 of 2024

Vairavan G

... Petitioner

Vs

- 1.The District Collector,
Thanjavur District,
Thanjavur.**
 - 2.The Assistant Director of Rural Development (Panchayats),
Thanjavur District,
Thanjavur.**
 - 3.The Block Development Officer,(Village Panchayat),
Peravurani Panchayat Union,
Thanjavur District.**
 - 4.The Personal Assistant to the District Collector, (Development),
Thanjavur,
O/o. the District Collectorate,
Thanjavur District.**
- ...Respondents**

**(R4 is Suo Motu Impleaded Vide Court
Order, dated 04.11.2024 by RVJ)**



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the Impugned suspension order on the proceedings of the 1st respondent in RC.No. 10095/2017 dated 07.05.2018 and quash the same and consequently direct the 1st respondent to reinstate the petitioner into service.

For Petitioner : Mr.N.Ananda Kumar,
For Respondents : Mr.G.V.Vairam Santhosh
Additional Government Pleader

ORDER

The petitioner / a Village Panchayat Secretary of Palayanagaram Village, Thanjavur District was placed under suspension on 07.05.2018 for his involvement in a case in Crime No.15 of 2017 on the file of the District Crime Branch, Thanjavur and for his confinement in jail for more than 48 hours.

2.The petitioner has challenged the order of suspension on the ground that the suspension order is pending for more than seven years without any review and that the enquiry has not been completed till date.



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He has also taken a plea that the subsistence allowance has not been paid during the suspension period and therefore, his livelihood has been affected.

3.The 3rd respondent / Block Development Officer (Village Panchayat), Peravurani Panchayat Union has filed a counter affidavit stating that the Assistant Director (Audit) Thanjavur has filed a report dated 24.10.2017 that the petitioner / Village Panchayat Secretary has misappropriated government money by transferring funds from Account Nos.3 and 2 into Account No.1 of the Panchayat with malafide intension and from Account No.1 of the Panchayat, a sum of Rs.5,95,692/- has been transferred through RTGS mode to the savings account of the petitioner, Overseer and also to the account of the then BDO (Village Panchayat). Therefore, a criminal complaint was lodged and the same was registered as Crime No.15 of 2017 on the file of the District Crime Branch, Thanjavur as against this petitioner and others for the offence punishable under Sections 420, 120-B, 409, 468, 471, 477A and 34 of IPC. It is also stated that this petitioner was arrested on 03.05.2018 and remanded to judicial custody. Since the petitioner was in



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confinement beyond 48 hours, he was placed under suspension as per the orders of the Personal Assistant (Development) to The District Collector, Thanajvur vide proceedings No.RC.10095/2017, dated 07.05.2018. Further, specific charges were framed as against the petitioner vide Charge Memorandum Rc.10095/2017 K.4. dated 05.04.2018.

4.It is further stated in the counter affidavit that the petitioner was paid with subsistence allowance from the date of his suspension till August 2020 amounting to Rs.1,92,920/- by the Executive Authority, the President of the Village Panchayat of Palayanagaram. While sanctioning the subsistence allowance, the President of the Village Panchayat was directed to continue to pay the subsistence allowance until further orders. Therefore, if the Panchayat President had failed to pay the subsistence allowance, the petitioner ought to have approached the Panchayat President, instead of filing this writ petition.

5.Not satisfied with this counter filed by the BDO, this court suo motu impleaded the Personal Assistant (Development) to the District Collector, Thanjavur as 4th respondent to this writ petition vide order



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dated 04.11.2024. The 4th respondent / newly impleaded respondent has filed a counter affidavit stating that the petitioner was provided with subsistence allowance from the date of suspension till the month of August 2020 by the Panchayat President. It is also submitted that the 3rd respondent BDO vide proceedings in RC.No.2204/2018/B2, dated 26.10.2021 has directed the Panchayat President to make payment of subsistence allowance to the petitioner. Thereafter, the 2nd respondent Assistant Director of Rural Development (Panchayats), Thanjavur District has also issued instructions to the 3rd respondent BDO vide Letter No. Rc.791/ A3/ dated 10.05.2023 for the payment of subsistence allowance. Therefore, the petitioner has to workout his remedy only before the Panchayat President if the subsistence allowance has not been made properly. It is further stated that the continuance of suspension is absolutely necessary in view of the further investigation and as the enquiry by the District Crime Branch is ongoing. If the petitioner is reinstated into service to the post of Village Panchayat Secretary, he will indulge in more criminal activities.



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6.This court has considered the rival submissions made and also perused the materials placed on record.

7.The petitioner/ Village Panchayat Secretary was placed under Suspension on 07.05.2018. The petitioner claims that he is innocent and has been made as a scapegoat. He further claims that he was paid with subsistence allowance till the month of August 2020 only and thereafter he was not paid with any subsistence allowance and therefore, his livelihood is totally affected and his family is facing difficulties.

8.The petitioner was placed under suspension pursuant to his confinement in connection with Crime No.15 of 20217 on the file of the District Crime Branch, Thanjavur. It appears that the case which was registered in the year 2017 has not reached its finality and final report has not been filed yet in respect of the same. There is no proper explanation from the respondents as to the reasons for the pendency of the case in Crime No.15 of 2017. As per the written instructions of the BDO addressed to the Government Advocate on 13.12.2025, specific charges have been framed as against this petitioner under 17(b) of the



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Tamil Nadu Civil Services (Discipline and Appeal) Rules in 2018 itself.

However, the enquiry officer was appointed only on 04.11.2025.

Thereafter, enquiry was conducted on 17.11.2025 and report was also filed before the District Collector and the District Collector has to take a call on the disciplinary proceedings.

9.The allegation as against this petitioner is that he has transferred a sum of Rs.5,95,692/- from the Panchayat Accounts to his savings account and the accounts of the Overseer and the then BDO (Village Panchayat). It is not known as to why the criminal case which was registered in the year 2017 has been kept pending without any progress. It exposes the efficiency of the officers, who have conducted investigation. Pendency of the criminal case is not a bar for proceeding with the departmental proceedings. For the criminal case registered in the year 2017, the petitioner was placed under suspension in the year 2018 itself. However, enquiry was contemplated by appointing enquiry officer only in the month of November 2025. Therefore, the concerned officials have enabled the petitioner to escape from the punishment and also to get subsistence allowance for a period of 2 years.



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10.A suspended employee is entitled for subsistence allowance as per Section 3 of the Tamil Nadu Payment of Subsistence Allowance Act 1981. Further an employee who is suspended pending enquiry, is entitled for subsistence allowance, equivalent to 75% of the wages, where the period of suspension exceeds 90 days, and if the period of suspension exceeds 180 days, the suspended employee is entitled to receive the wages in full, which the employee was drawing immediately before his suspension. Therefore, the petitioner is entitled for 75% of the subsistence allowance beyond the period of 90 days from the date of suspension and full wages beyond the period of 180 days from the date of suspension. The respondents have taken a stand in their counter affidavits that the Panchayat President was directed to make payment of subsistence allowance in 2021 and in 2023. However it appears that the petitioner was paid with subsistence allowance only up to the month of August 2020. Moreover, as per Rule 17(3) of the Tamil Nadu Village Panchayat Secretaries (Conditions of Service) Rules, 2013, a review on the extension of suspensions shall be done by the Personal Assistant (Development) to Collector for every quarter. The same has not been done in the present case and the suspension has continued for more than



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7 years without any review. Therefore, the impugned suspension order is liable to be set aside.

11.This is not the first case that this court is witnessing the manner in which the disciplinary proceedings are delayed either to favour the delinquents or to suppress certain material facts. This is a serious case of misappropriation, however it has been dealt with in a lethargic manner by the investigating agency and also by the respondents. Considering the manner in which the officials concerned are delaying disciplinary proceedings, the state government has issued certain guidelines vide GO.Ms.No.66, Human Resources Management (D) Department, dated 06.07.2022 directing simultaneous departmental proceedings and criminal proceedings for the allegations connected with the discharge of official duties. As per these guidelines, the departmental proceedings can proceed simultaneously even if criminal case is pending. The government has also issued GO.Ms.No.81, Human Resources Management (N) Department, dated 04.08.2022 prescribing time limit for finalisation of disciplinary proceedings. As per these guidelines, deliberate and arbitrary delay on the part of the disciplinary authority in conducting disciplinary



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proceedings shall be treated as abetment to shield the delinquent officer and severe disciplinary action has to be taken against the officials involved. The relevant portions of the guidelines is extracted as under:

“(v) Deliberate and arbitrary delay in inquiring the cases on the part of the inquiry officer or on the part of the disciplinary authority, as the case may be, without valid reasons shall be treated as an abetment to shield the delinquent officer and severe disciplinary action should be taken against the concerned authorities / officials.

12.This is a clear case of deliberate and concerted delay by the officials in completing the disciplinary proceedings. There is a delay on the part of the investigating agency also. It appears that these delays are caused in order to help the delinquents, which need to be addressed by the appropriate authorities including the Superintendent of Police, Thanajvur for the delay in concluding the investigation in the criminal case in Crime No.15 of 2017.

13.Since the petitioner has been placed under suspension from the year 2018 and the suspension order has not been reviewed as required



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under the rules and the petitioner has been paid with subsistence allowance only until the month of August 2020, this court is inclined to allow this writ petition by setting aside the order of suspension.

14.This court is also of the opinion that the responsibility and accountability has to be fixed on the officials involved. No official, howsoever high he may, is exempted from following the rules and guidelines in force. In the present case, even though the petitioner was suspended on 07.05.2018 and charges were framed on 05.04.2018, the enquiry officer was appointed only on 04.11.2025 and that too only after filing of this writ petition. Without appointing any enquiry officer, the disciplinary proceedings were kept pending for a period of 7 years. Therefore, this court directs the Principal Secretary to Government, Human Resource Management Department, Chennai to initiate appropriate disciplinary proceedings as against the officials concerned who are responsible for the delay in appointing the enquiry officer.

15.It also appears that even though the the 3rd respondent BDO vide proceedings dated 26.10.2021 has directed the Panchayat President



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to make payment of subsistence allowance to the petitioner and the 2nd respondent has also issued instructions to the 3rd respondent BDO on 10.05.2023 directing the payment of subsistence allowance, the Panchayat President has not followed these instructions and has paid subsistence allowance only until August 2020. The respondents shall take necessary action to pay the remaining subsistence allowance, if any, within a period of four weeks from the date of receipt of a copy of this order.

16.In the result, the impugned order is set aside. This writ petition is allowed with the above directions. No costs. Consequently connected miscellaneous petitions are closed.

22.01.2026

VRN/DSK



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To

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- 1.The District Collector,
Thanjavur District,
Thanjavur.
- 2.The Assistant Director of Rural Development (Panchayats),
Thanjavur District,
Thanjavur.
- 3.The Block Development Officer,(Village Panchayat),
Peravurani Panchayat Union,
Thanjavur District.
- 4.The Personal Assistant to the District Collector, (Development),
Thanjavur,
O/o. the District Collectorate,
Thanjavur District.
- 5.The Principal Secretary to Government,
Human Resource Management Department,
Chennai.



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B.PUGALENDHI.J.,

VRN/DSK

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