



WP(MD). No.6816 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 07/04/2026

CORAM

THE HON'BLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

WP(MD). No.6816 of 2026
and WMP(MD)No.5640 of 2026

Karuppasamy

... Petitioner

Vs.

1. The Director of Medical Education and Research,
Kilpauk, Chennai 600 010.

2. The District Adidravidar and Welfare Officer,
District Collectorate, Thoothukudi District.

3. The Dean,
Government Thoothukudi Medical College,
Thoothukudi.

4. State of Tamil Nadu Rep By,
The Inspector of Police,
Masarpatti Police Station,
Thoothukudi District.

... Respondents

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 proceedings vide Reg. No. 6761/E4/2025 dated 26.06.2025 issued by the 3rd Respondent and the consequential impugned charge memo issued by the 3rd Respondent vide Na.Ka.No. 6761/Ni4/ 2025 date 09.08.2025 and quash the same as illegal, improper, unlawful, unconstitutional and arbitrary and consequently direct the 3rd respondent to revoke the suspension order and reinstate the petitioner in service.

For Petitioner :Mr.R.Murugan

For Respondents :Mr.S.Shaji Bino

Special Government Pleader



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ORDER

This writ petition has been filed challenging the proceedings Reg. No. 6761/E4/2025 dated 26.06.2025 issued by the third respondent placing the petitioner under suspension and the impugned charge memo bearing Na.Ka.No.6761/Ni4/2025 dated 09.08.2025 issued against the petitioners.

2.Heard Mr.R.Murugan, learned counsel appearing for the petitioner and Mr.S.Shaji Bino, learned Special Government Pleader for the respondents.

3. Insofar as the challenge with regard to the impugned charge memo dated 09.08.2025 is concerned, this Court is not inclined to entertain the writ petition as there are no grounds made out for interfering with the impugned charge memo. It is also brought to the notice of this Court by the third respondent by filing a counter affidavit that the enquiry pursuant to the impugned charge memo was already conducted and the entire enquiry proceedings have been concluded and a report of the Inquiry Officer was also submitted and the proceedings have reached the final stage. In view of the



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submission of the learned counsel for the third respondent, this Court is not inclined to interfere with the impugned charge memo.

4. Insofar as the order of suspension dated 26.06.2025 is concerned, it is evident that the petitioner was placed under suspension consequent upon his involvement in a criminal case in Crime No.147 of 2025 dated 05.06.2025 and the consequential arrest and remand of the petitioner to judicial custody. *Prima facie*, it appears that the involvement of the petitioner in the said criminal case is nothing to do with his employment. However, considering the fact that the petitioner was remanded to judicial custody, the impugned suspension order came to be issued placing the petitioner under suspension. There is no likelihood of conclusion of the proceedings in the said crime in the near future and the prolonged continuation of suspension is neither in the interest of the third respondent Medical College nor in the interest of the petitioner. As the involvement in the criminal case is no way related to the employment of the petitioner, it is obligatory on the part of the third respondent to review the order of suspension and take a decision as to whether to continue the petitioner under suspension or not.



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5. Further, as rightly pointed out by Mr.S.Shaji Bino, learned Special Government Pleader, the Government issued various guidelines dealing with the orders of suspension and prolonged suspension etc in G.O.(Ms.)No.81, Human Resourced Management(N) Department dated 04.08.2022, the Government has laid down guidelines at paragraph No. 11, which reads as under:

“11. The Government, after careful examination, reiterates the guidelines issued in the Government Order second read above with slight modification as follows:-

(i) The power of ordering suspension should be exercised carefully and with restraint. Before a suspension order is issued, the authority concerned must be clear in mind that it is necessary, Prolonged suspension means that Government pays a Government Servant without extracting any work from him. In view of the above position, the suspension should not be resorted to unless the concerned authority has considered all the relevant factors and recorded his reasoned conclusion that it is in the public interest to place the Government Servant under suspension.

(ii) Where a Government Servant has been suspended on disciplinary proceedings contemplated, such proceedings



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should be initiated immediately and finalized normally within a period of six months.

(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

(iv) In respect of cases referred to under items (ii) and (iii) above, the authority who ordered the suspension or the Director of Vigilance and Anti-Corruption, as the case may be, should, before the expiry of the period of three months, report the matter to the Head of the Department/Government, indicating the progress of the disciplinary action/investigation by the Director of Vigilance and Anti-Corruption, the reasons for non completion of the work and the further time required for completing the disciplinary action / investigation and furnish reasons for continuing the suspension, if continued suspension is felt essential. If the authority which Initiated action in the first instance is the Head of the Department, the report has to be sent to Government.

(v) After the initial report referred to in item (iv) above, reports should be sent to Government at the end of every three months, indicating the further progress, so as to



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enable the Government to review the suspension and the progress of the case, for such action as may be necessary to ensure expeditious disposal.

(vi) The Head of the Department or the Government as the case may be, will examine the cases with reference to the subject matter of the disciplinary action/investigation in progress and the reported stage of progress and permit the continued suspension beyond three months/six months. Where the Government itself, have ordered suspension, it will examine the case on the same lines and pass similar order.

(vii) The disciplinary authorities should ensure that the delay in processing the case is not due to delaying tactics of the Government Servant. They should ensure that all notices issued to the suspended Government Servant should reach him without any loss of time.

(viii) When the disciplinary authority comes to a conclusion suo-motu or after conclusion of the investigation by the Director of Vigilance and Anti-Corruption, the disciplinary authority shall, while initiating action by issue of charges under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules or under Rule 3(b) of the Tamil Nadu Police Subordinate Services (Discipline and Appeal) Rules, 1955, as the case may be, examine with reference to the



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facts established, which form the basis for the charges, whether public interest or the needs for further proceedings will require continued suspension of the Government Servant already under suspension.

(ix) The time limits mentioned above will not be applicable to cases of Government Servants against whom criminal proceedings have been initiated. However, while sanctioning prosecution in such a criminal case, an examination similar to the one mentioned in item (vii) above shall be made by the competent authority

(x) If, on examination of the case under items (vi), (viii) or (ix) above, continued suspension is considered not necessary, the suspension may be revoked in exercise of the powers conferred under Rule 17(e)(6) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules or under Rule 3(e)(5) of the Tamil Nadu Police Subordinate Services (Discipline and Appeal) Rules, 1955, as the case may be.

(xi) in cases where the charge in the criminal case involves complicated questions of law and fact and the disciplinary authority is not in a position to finalize the departmental disciplinary proceeding and if the criminal case is based on theon vigilance report and is pending



before the court of law for which no reasons are explained explicitly, the authority compellent may take a decision by laking up review of suspension and post the Government Servant in a non-sensitive place in consultation with the appropriate investigating authority / Vigilance Commission case to case basis in view of the reason that prolonged suspension and paying subsistence allowance for a long period without extracting work is not at all acceptable. Such revocation of suspension can be made based on the facts of each case and after noticing the reason for the delay in serving the memorandam of charges / charge sheet. The decision of the Hon'ble High Court of Madras P.Kannan case, given in para 5 above, shall be taken into account.

(xii)Suspension will continue to be in force unless it is revoked as mentioned under item (x) above.”

6. In the light of the above guidelines laid down by the Government, it is obligatory on the part of the third respondent to review the impugned order of suspension dated 26.06.2025 and pass appropriate orders whether to continue the petitioner under suspension or not. But the said exercise appears to have been not done by the third respondent so far.



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7. In the light of the above, this Court is of the considered view that it would be appropriate in the interest of both the parties to direct the third respondent to review the order of suspension dated 26.06.2025 in the light of the guidelines laid down by the Government in G.O.(Ms.)No.81, Human Resourced Management(N) Department dated 04.08.2022 and pass appropriate orders thereon in an expeditious manner.

8. Accordingly, this writ petition is disposed of directing the third responding to review the order of suspension dated 26.06.2025 taking into consideration the guidelines laid down at paragraph No.11 in G.O.(Ms.)No.81, Human Resourced Management(N) Department dated 04.08.2022 and pass appropriate orders as expeditiously as possible at any rate within a period of four weeks from the date of receipt of a copy of this order. The petitioner is at liberty to contest the disciplinary proceedings that may be concluded pursuant to the charge Memo dated 09.08.2025. No costs. Consequently, connected miscellaneous petition is closed.

07.04.2026

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