



WP(MD). No.7335 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 17/03/2026

CORAM

THE HONOURABLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

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... Petitioner

Vs

1. The District Collector,
O/o. The District Collector,
Madurai District.

2. The Personal Assistant
to the District Collector,
Noon Meal Scheme,
O/o. the District Collector,
Madurai District.

3. The Block Development Officer,
Vadipatti Panchayat Union,
Madurai District.

... Respondents

PRAYER :- S-15. Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent No.1 to revoke the prolonged suspension of the petitioner and consequently reinstate the petitioner in service as Noon Meal Cooking Assistant by considering the petitioner's representation dated 24.02.2026, within a time frame as may be fixed by



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this Court.

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For Petitioners : M.Vivek Kumar,
Advocate.
For Respondent : Mr.S.Shaji Bino,
Special Government Pleader

ORDER

Mr.S.Shaji Bino, learned Special Government Pleader takes notice for the respondents 1 and 2. Mr.V.Om Prakash, learned Government Advocate takes notice for the third respondent.

2. Heard the learned counsel appearing on both side.

3. With the consent of the parties, this writ petition is disposed of at the admission stage itself.

4. When the petitioner was working as Noon Meal Cooking Assistant in Government Noon Meal Scheme at Thenkarai Panchayat Union Primary School, Vadipatti Taluk, Madurai District, the petitioner was placed



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under suspension vide proceedings No.Na.Ka.No. 42659/2019/SaUuthi-1, dated 27.09.2019 as the petitioner was involved in Crime No.261 of 2019 for the alleged offence punishable under Sections 147, 148, 120(B) and 302 of IPC and arrayed as Accused No.7. Thereafter disciplinary proceedings also was initiated by issuing charge memo dated 17.08.2020 and the same is stated to be still pending. Hence, the petitioner submitted a representation dated 24.02.2026 for revocation of suspension. But the same was also not being considered by the respondents. Hence, the petitioner has approached this Court by filing the present writ petition.

5. The learned counsel for the respondents fairly submitted that the respondents are under obligation to review and verify whether the continuation of the petitioner under suspension is necessary in the public interest or not in the light of various guidelines laid down under G.O.Ms.No.81 Human Resources Management (D) Department, dated 04.08.2022. Therefore he submitted that the second



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respondent would review the suspension in the light of guidelines laid down in the above Government Order.

6. In the light of the above Government Order, there is no need to dwell into the merits of the matter. The relevant portion of the said G.O.Ms.No.81 dated 04.08.2022 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 prays a Government Servant without extracting any work from him. In view of the above position, the suspension should not be restored 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 should be initiated immediately and finalized normally within a period of six months.



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(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 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



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subject matter of the disciplinary action/investigation in progress and the reported stage of process 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 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



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in item (viii) 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.

....."

7. In the light of the above, the writ petition is disposed of directing the second respondent to consider the representation dated 24.02.2022 submitted by the petitioner for revocation of suspension and duly taking into consideration the guidelines laid down in Para 11 of the above G.O.Ms.No.81 dated 04.08.2022 and pass appropriate orders as expeditiously as possible, preferably, within a period of four weeks from the date of receipt of a copy of this order.



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PJL

TO

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MUMMINENI SUDHEER KUMAR, J

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