



WP(MD). No.9947 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 10/04/2026

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THE HON'BLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

WP(MD). No.9947 of 2026

A.Senthil Kumar

... Petitioner

Vs

1. The Sub Collector / RDO,
Sub Collector Office, Kovilpatti,
Thoothukudi District..

2. The Tahsildar,
Ettayapuram Taluk,
Thoothukudi District.

... Respondents

PRAYER:- 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 Suspension of the Petitioner and reinstate him in any non-sensitive post for the Post of Village Administrative Officer in light of the guidelines issued G.O.Ms.No.81 (Human Resources Development) dated 04.08.2022 by considering the petitioners representation dated 16.03.2026 within the time stipulated by this Court.

For Petitioner : Mr.I.Pinaygash

For Respondent : Mr.B.Ramanathan

Additional Government Pleader

ORDER

This writ petition has been filed seeking writ of mandamus directing the respondents to revoke the orders of suspension issued by the first respondent vide proceeding No.A1/7033/2025 dated 02.09.2025.



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2. Consequent upon registration of a vigilance case in Crime No. 9 of 2025 dated 13.08.2025, the petitioner was arrested and remanded to judicial custody. The petitioner was placed under suspension through proceedings dated 02.09.2025 and he has been continuing under suspension till date. Under those circumstances, the petitioner claims to have submitted his representation dated 16.03.2026 requesting for review of suspension and for posting him at a non-sensitive post. Complaining against the inaction on the part of the respondents on the said representation, the petitioner has approached this Court by filing the present writ petition.

3. Mr. B. Ramanathan, learned Additional Government Pleader, fairly submitted that the suspension order issued against the petitioner on 02.09.2025 is required to be reviewed in the light of guidelines framed by the government at paragraph 11 in G.O.(Ms.)No. 81, Human Resources Management(N) Department dated 04.08.2022.

4. In the light of the above, without going into the merits of the matter, this Court is of the view that the respondents are under obligation to review the orders of suspension in the light of the guidelines issued at paragraph No.11 in G.O.(Ms.)No.81, Human



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Resources Management(N) Department dated 04.08.2022, 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 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 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*



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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.



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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



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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 memorandum 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.”

5. In the light of the above, the first respondent is directed to review the orders of suspension dated 02.09.2025 passed by him duly taking into consideration the guidelines issued at paragraph 11 in G.O.(Ms.)No.81, Human Resources Management(N) Department dated 04.08.2022 as expeditiously as possible, at any rate, within a period of four weeks from the date of receipt of a copy of this order.

6. In fine, this writ petition is disposed of. No costs.

10.04.2026

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MUMMINENI SUDHEER KUMAR,J

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