



W.P.(MD) No.10311 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.04.2026

CORAM

THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD) No.10311 of 2026

M.Rasaiya

... Petitioner

Vs.

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The Sub Collector,
Paramakudi,
Ramanathapuram District.

3.The Tahsildar,
Paramakudi,
Ramanathapuram District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus directing the third respondent to consider the petitioner's representation dated 23.03.2026 and consequently revoke the order of suspension and reinstate the petitioner in any non-sensitive post in the cadre of Village Assistant, in the light of the guidelines issued in G.O.Ms.No.81 (Human Resources Development) dated 04.08.2022, within a time frame to be stipulated by this Court.



W.P.(MD) No.10311 of 2026

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For Petitioner : Mr.P.Suresh

For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader

ORDER

This Writ Petition has been filed for the issuance of a Writ of Mandamus directing the third respondent to consider the petitioner's representation dated 23.03.2026 and consequently to revoke the order of suspension and reinstate the petitioner in any non-sensitive post in the cadre of Village Assistant, in the light of the guidelines issued in G.O.Ms.No.81, Human Resources Management (N) Department, dated 04.08.2022.

2. Heard Mr.P.Suresh, learned counsel for the petitioner, and Mr.N.Satheesh Kumar, learned Additional Government Pleader, who takes notice for the respondents.

3. While the petitioner was working as a Village Assistant, he was involved in Crime No. 8 of 2025 under the provisions of the Prevention of Corruption (Amendment) Act, 2018 and was arrested and remanded to



W.P.(MD) No.10311 of 2026

judicial custody. Accordingly, the petitioner was placed under suspension through proceedings dated 06.05.2025 and has been continuing under suspension as on date.

4. Under those circumstances, the petitioner claims to have submitted a representation dated 23.03.2026 requesting a review of his suspension in terms of the orders issued by the Government in G.O.Ms.No.81, Human Resources Management (N) Department, dated 04.08.2022. Since the third respondent has not considered the same, the petitioner has approached this Court by filing the present Writ Petition seeking a writ of mandamus.

5. Mr.N.Satheesh Kumar, learned Additional Government Pleader appearing for the respondents, submits that the case of the petitioner is required to be reviewed in terms of the guidelines laid down in G.O.Ms.No.81, Human Resources Management (N) Department, dated 04.08.2022 and therefore, appropriate orders will be passed reviewing the suspension of the petitioner.



W.P.(MD) No.10311 of 2026

6. In the light of the above, without going into the merits of the case, this Writ Petition is disposed of at the admission stage itself with the consent of both parties.

7. Through G.O.Ms.No.81, Human Resources Management (N) Department, dated 04.08.2022, the Government has laid down certain guidelines with respect to the review of suspension, in the interest of the State as well as of the respective employees, in Paragraph 11 of the said G.O., 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.



WEB COPY



W.P.(MD) No.10311 of 2026

(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 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.*



WEB COPY



W.P.(MD) No.10311 of 2026

(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 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.*



W.P.(MD) No.10311 of 2026

(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 the vigilance report and is pending before the court of law for which no reasons are expred explicitly, the authority compellent may take a decision by taking up review of suspension and post the Government Servant in a non-sensitive place in consultation with the appropriate investigating authority / Vigilance Commission on case to case basis in view of the reason that prolonged suspension and paying subsistence allowance for a 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 in 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.”

8. In the light of the above, this Writ Petition is disposed of, directing the third respondent to consider the representation dated 23.03.2026 submitted by the petitioner and review the suspension order dated 06.05.2025 issued against him, taking into consideration the guidelines laid down in G.O.Ms.No.81, Human Resources Management (N) Department, dated 04.08.2022 and pass appropriate orders thereon as



W.P.(MD) No.10311 of 2026

expeditiously as possible, at any rate, within a period of four weeks from the date of receipt of a copy of this order. No costs.

15.04.2026

JEN

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

To

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W.P.(MD) No.10311 of 2026

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W.P.(MD) No.10311 of 2026

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