



W.P.(MD) No.11311 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.04.2026

CORAM

THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD) No.11311 of 2026

and

W.M.P.(MD) No.8747 of 2026

S.Vasanthakannan

... Petitioner

Vs.

1.State of Tamil Nadu,
Represented by the
Additional Chief Secretary to the Government,
Home (Prisons-I) Department,
Chief Secretariat, Fort St.George,
Chennai - 600 009.

2.The Director General of Prisons
and Correctional Services,
Tamilnadu Prisons and Correctional Services,
HQ Office, No.6,
Anna EVR Maniyammaiyar Salai,
Egmore, Chennai - 600 008.

3.The Superintendent of Prisons,
Central Prison,
Palayamkottai,
Tirunelveli - 627 002.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
for issuance of a Writ of Mandamus directing the first respondent to



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revoke the suspension of the petitioner in the light of the Government Order in G.O.(Ms) No.81 Human Resources Management Department dated 04.08.2022 and to provide 75 percent of the last pay drawn by the petitioner as subsistence allowance from September 2025 to March 2026 to the petitioner by considering the representations of the petitioner dated 08.04.2026 and 09.04.2026 within the time period stipulated by this Court.

For Petitioner : Mr.T.Aswin Raja Simman

For Respondents : Mr.S.Shaji Bino
Special Government Pleader

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Mandamus directing the first respondent to revoke the suspension of the petitioner in the light of G.O.Ms.No.81, Human Resources Management (N) Department, dated 04.08.2022 and to pay 75% of the last pay drawn by the petitioner as subsistence allowance for the period from September 2025 to March 2026, by considering the representations of the petitioner dated 08.04.2026 and 09.04.2026, within a time period to be stipulated by this Court.



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2. The petitioner, while working as an Additional Superintendent of Prisons in the Central Prison, Palayamkottai and while holding Full Additional Charge (FAC) of the post of Superintendent of Prisons at Madurai and Palayamkottai, was placed under suspension and disciplinary proceedings were initiated against him by issuing a charge memo dated 10.10.2022 under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules. The said disciplinary proceedings are still pending.

3. The grievance of the petitioner is that he was placed under suspension as early as 13.03.2025 and the same has not been reviewed by the respondent, in spite of the mandatory orders issued by the Government in G.O.Ms.No.81, Human Resources Management (N) Department, dated 04.08.2022. Hence, the petitioner claims to have submitted representations dated 08.04.2026 and 09.04.2026 requesting review of the order of suspension and reinstatement into service.

4. It is against the inaction of the respondents on the said representations, the petitioner has approached this Court by filing the present Writ Petition.



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5. Mr.S.Shaji Bino, learned Special Government Pleader appearing for the respondents, would fairly submit that the respondents would review the order of suspension strictly in terms of the orders issued in G.O.Ms.No.81, Human Resources Management (N) Department, dated 04.08.2022.

6. On a perusal of G.O.Ms.No.81, Human Resources Management (N) Department, dated 04.08.2022, it is seen that certain guidelines have been laid down in paragraph 11 of the said G.O., as per which an obligation is cast upon the authority to review the suspension in terms of the orders issued by the Government therein. Paragraph 11 of the said G.O. reads as follows:

“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



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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.



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(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 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.*



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(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 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."

7. In the light of the above and considering the submissions made by the learned Special Government Pleader appearing for the respondents,



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without going into the merits of the matter, this Writ Petition is disposed of directing the first respondent to consider the representations dated 08.04.2026 and 09.04.2026 submitted by the petitioner and to review the order of suspension dated 13.03.2025, by duly taking into consideration the orders issued 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 eight weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected Miscellaneous Petition is closed.

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JEN

NCC : Yes / No

Index : Yes / No

To

- 1.The Additional Chief Secretary,
Home (Prisons-I) Department,
The State of Tamil Nadu,
Chief Secretariat, Fort St.George,
Chennai - 600 009.
- 2.The Director General of Prisons and Correctional Services,
Tamilnadu Prisons and Correctional Services,
HQ Office, No.6,
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3. The Superintendent of Prisons,
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MUMMINENI SUDHEER KUMAR, J.

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