



W.P.(MD) No.14756 of 2026

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.06.2026

CORAM:

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD) No.14756 of 2026

and

W.M.P.(MD) No.11104 of 2026

S.Kannan

... Petitioner

-VS-

1.The State of Tamil Nadu
rep.by its Secretary to Government
Rural Development and
Panchayat Raj Department
Secretariat, Chennai

2.The Director
Rural Development and
Panchayat Raj Department
Chennai-15

3.The District Collector
Ramanathapuram District
Ramanathapuram

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records relating to the impugned order passed by the third respondent vide his proceedings in



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Na.Ka.V6/24731/2025, dated 06.08.2025 and quash the same as illegal and consequently to direct the respondents to enhance the subsistence allowance payable to the petitioner on completion of six months from the date of suspension in terms of FR53(1)(a) and consequently to revoke the order of suspension as per G.O.Ms.No.81, Human Resources Department, dated 04.08.2022, within the stipulated time fixed by this Court.

For Petitioner : Mr.M.Mohamed Zamil
for M/s.Ajmal Associates

For Respondents : Mrs.K.Porkodi
Counsel for the Government

ORDER

Mrs.K.Porkodi, learned counsel for the Government, takes notice for the respondents.

2. With the consent of both sides, this writ petition is disposed of at the admission stage.

3. Heard the learned counsel for the petitioner and the learned counsel for the Government appearing for the respondents.



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4. Aggrieved by the proceedings dated 06.08.2025, wherein the request of the petitioner to enhance the subsistence allowance from the date of expiry of the six months period of suspension in terms of Rule 53(1)(a)(i) of the Fundamental Rules of the Tamil Nadu Government, was negated by the third respondent, the petitioner has approached this Court by filing the present writ petition.

5. A perusal of the impugned order discloses that there is absolutely no application of mind on the part of the third respondent nor any reason was assigned by the third respondent for rejecting the claim of the petitioner. Rule 53(1)(a)(i) of the Fundamental Rules of the Tamil Nadu Government specifically provides for enhancement of subsistence allowance in case of continued suspension beyond six months. However, the same is not automatic, but, subject to examination of the facts and circumstances of each case. In case if the delinquent employee is found responsible for the delay in conclusion of the disciplinary proceedings or the criminal case, then he may not be entitled for enhancement of subsistence allowance. But, in case, where the delinquent employee is noway responsible for the delay for conclusion of the criminal proceedings, the delinquent employee may be entitled for enhancement of subsistence allowance.



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6. In the instant case, the third respondent, while issuing the impugned proceedings, has not applied his mind and the same is apparent on the face of the impugned proceedings. The third respondent has simply made a reference to the request of the petitioner and rejected the same by passing a cryptic order by simply saying that the request for the petitioner was considered and rejected. Such an arbitrary rejection is bound to be declared as illegal and against the principles of natural justice. As the impugned order is obviously arbitrary on the face of it, this Court does not see any reason to invite counter-affidavit from the respondents as the same cannot be improved by supplementing the reasons for sustaining the impugned proceedings. Learned counsel for the Government appearing for the respondents acceded for remanding the matter back to the third respondent for reconsidering the claim of the petitioner for enhancement of the subsistence allowance from the date of expiry of the six months period of suspension.

7. Then, coming to the second limb of the relief sought for by the petitioner to revoke the impugned suspension is concerned, there cannot be any order straightaway directing revocation of suspension, as admittedly criminal proceedings that were initiated against the petitioner are pending. At this stage, it is necessary to notice that the Government, taking into



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consideration the issues relating to the prolonged suspension and delay in conclusion of the disciplinary proceedings, has issued orders in G.O.(Ms) No. 81, Human Resources Management (N) Department, dated 04.08.2022, formulating certain guidelines, which also provide for reviewing the orders of suspension on expiry of three months. Paragraph No.11 of the said Government Orders 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



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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.



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(v) After 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.

(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



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Rule 17(b) of the Tamil Nadu Civil 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.

(xi) In cases where the charge in the criminal case involves complicated questions of law and fact that the disciplinary authority is not in a



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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 explained explicitly, the authority competent 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 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 memorandum 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 guidelines laid down by the Government through Paragraph No.11 above, it is obligatory on the part of the third respondent to review the orders of suspension on expiry of three months from



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the date of suspension. But, in the instant case, there is nothing on record to show that the third respondent has discharged his obligation to review the orders of suspension in terms of the the Government Order referred to above.

9. In the light of the above, this writ petition is disposed of directing the third respondent to reconsider the claim of the petitioner for enhancement of subsistence allowance under Rule 53(1)(a)(i) of the Fundamental Rules of the Tamil Nadu Government and pass necessary orders as expeditiously as possible and also review the orders of suspension issued against the petitioner duly taking into consideration Paragraph No.11 of the Government Order in G.O.(Ms) No.81, Human Resources Management (N) Department, dated 04.08.2022, and pass appropriate orders separately as expeditiously as possible, at any rate, within a period of six weeks from the date of receipt of copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

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

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To:

- 1.The Secretary to Government,
Rural Development and
Panchayat Raj Department,
State of Tamil Nadu,
Secretariat, Chennai.
- 2.The Director,
Rural Development and
Panchayat Raj Department,
Chennai-15.
- 3.The District Collector,
Ramanathapuram District,
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MUMMINENI SUDHEER KUMAR, J.

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