

W.P(MD)No.15118 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED :08.06.2026

CORAM:

THE HONOURABLE MR JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD)No.15118 of 2026

and

W.M.P.(MD).Nos.11325 and 11326 of 2026

D.A.Armstrong

... Petitioner

Vs

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

2.The Revenue Divisional Officer,
O/o.The Revenue Divisional Office,
Sivakasi,
Virudhunagar District.

3.The Tahsildar,
Sivakasi,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified Mandamus to call for the records pertaining to the impugned suspension order in Roc.No.A3/969/2019 dated 22.05.2019 passed by the respondent No.2 and quash the same as



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illegal and consequently direct the respondent to revoke the suspensions order and reinstate the petitioner as Village Administrative Officer in light of G.O.Ms.No.81 dated 04.08.2022 passed by the Chief Secretary to the Government, Human Resources Management (N) Department by considering the petitioner's representation dated 01.04.2026 with the consequential benefits within the time stipulated by this Court.

For Petitioner : Mr.T.Thirumurugan

For Respondents : Mr.Dinesh Hari Sudharsan
Government Counsel

ORDER

This writ petition has been filed challenging the proceedings in No.A3/969/2019 dated 22.05.2019, whereby the petitioner was placed under suspension consequent upon his alleged involvement in a vigilance trap case.

2.Though a period of seven years has elapsed, no review of the suspension has been undertaken. Therefore, the petitioner submitted a representation dated 01.04.2026 seeking review of the suspension in terms of the Government Order issued in G.O.Ms.No.81 dated 04.08.2022. However, no further action has been taken by the



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respondents. Hence, the petitioner has approached this Court by filing the present writ petition.

3.Mr.M.Dinesh Hari Sudharsan, learned counsel appearing for the respondents, submitted that the trap case registered against the petitioner is still pending trial and, therefore, there is no necessity to review the order of suspension.

4.This Court has carefully considered the submissions made on either side and perused the materials placed on record.

5.As rightly contended by the learned counsel appearing for the petitioner, taking into consideration the circumstances in which employees of the State are kept under prolonged suspension without review, and also in light of the law laid down by the Hon'ble Apex Court as well as this Court, the Government has issued G.O.Ms.No.81 dated 04.08.2022, prescribing guidelines for review and revocation of suspension after the expiry of three months from the date of suspension.



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6. In view of the above, this Court is of the considered view that the respondents are under an obligation to review the order of suspension in the light of the guidelines issued in paragraph No.11 of G.O.(Ms.) No.81, Human Resources Management (N) Department, dated 04.08.2022, which 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 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



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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



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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.



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(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 (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 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 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



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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 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 light of the above facts, it is evident that even in cases involving trap proceedings under the Vigilance and Anti-Corruption Department, a review of suspension is contemplated in terms of the aforesaid guidelines. Therefore, it is obligatory on the part of the second respondent to review the order of suspension of the petitioner in accordance with the said guidelines. In such circumstances, this Court, without going into the merits of the matter and without calling for a counter affidavit, is of the considered view that the writ petition can be disposed of at the stage of admission by directing the second respondent to review the order of suspension of the petitioner in terms of the



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aforesaid guidelines.

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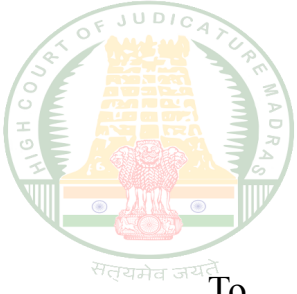
8. Accordingly, this writ petition stands disposed of, in the following terms:

(i)The second respondent is hereby directed to review the order of suspension dated 22.05.2019 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 six weeks from the date of receipt of a copy of this order.

Consequently, connected miscellaneous petitions are closed.

08.06.2026

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