

W.P(MD) No.16408 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 16.06.2026

CORAM

THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P(MD) No.16408 of 2026

and

W.M.P(MD) Nos.12250 & 12252 of 2026

P.Muruganandam

... Petitioner

Vs.

- 1.The Managng Director
Tamil Nadu Water Supply and Drainage Board,
Chepuk,
Chennai-5
- 2.The Chief Engineer
Tamil Nadu Water Supply and Drainage Board,
Madurai-7
- 3.The Superintending Engineer
Tamil Nadu Water Supply and Drainage Board
Sewerage Circle, Madurai-7
- 4.The Executive Engineer
Tamil Nadu Water Supply and Drainage Board,
Sewerage Division,
56, Barathy Main Road,
NRT Nagar,
Theni.

... Respondents



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PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records connected with the Impugned Order of Suspension passed by the 1st respondent in Proc. No.10807/Estt. (DP)/A1/2024 dated 09.08.2024 quash the same and consequently direct the respondents to permit the petitioner to Re-join duty as Assistant immediately as there is no Review of order of Suspension or order of extension of Suspension in terms of G.O.(Ms).No.81 Human Resources Management (N) Department dated 04.08.2022 and in the light of the Division Bench Judgment of this Honble High Court in W.A. (MD) No. 2 of 2026 dated 29.04.2026.

For Petitioner : Mr.S.Govindan

For Respondents : Mr.V.Vijay Karthikeyan,

ORDER

This writ petition has been filed seeking Writ of Certiorarified Mandamus, calling for the records connected with the Impugned Order of Suspension passed by the 1st respondent in Proc. No.10807/Estt.(DP)/A1/2024 dated 09.08.2024 quash the same and



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consequently direct the respondents to permit the petitioner to Re-join duty as Assistant immediately as there is no Review of order of Suspension or order of extension of Suspension in terms of G.O.(Ms).No. 81 Human Resources Management (N) Department dated 04.08.2022 and in the light of the Division Bench Judgment of this Honble High Court in W.A.(MD) No.2 of 2026 dated 29.04.2026.

2. The petitioner herein while working as Assistant in the respondent Board was subjected to disciplinary proceedings under Rule 17(a) and 17(b) and the said disciplinary proceedings are pending. In addition to the said disciplinary proceedings, the petitioner was also involved in a criminal case in connection with alleged misappropriation of funds of the respondent Board. Both the said proceedings are still pending as on date, while continuing the petitioner under suspension from the date of impugned proceedings i.e., 09.08.2024.

3. The learned counsel for the petitioner contended that there is hardly any progress either in the disciplinary proceedings or in the



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criminal proceedings, but the petitioner is unjustly being continued under suspension, almost about for a period of 2 years. He also further submitted that in terms of the orders issued by the Government in GO. (Ms)No.81. Human Resources Management (N) Department dated 04.08.2022, the respondents are under obligation to review the order of suspension on completion of 3 months period of suspension. But in the instant case, no such action has been taken by the respondents.

4. Mr.V.Vijay Karthikeyan, learned Standing Counsel appearing for the respondent Board submits that it is the petitioner is alleged to have misappropriated huge funds of the respondent Board and therefore, a criminal case was registered against the petitioner and disciplinary proceedings are initiated.

5. He further submits that in the light of seriousness of the charges levelled against the petitioner, the petitioner is not entitled for revocation of suspension even in terms of G.O.(Ms)No.81 dated 04.08.2022.



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6. Be that as it may, as seen from G.O.(Ms)No.81 dated 04.08.2022, in all the cases, including the cases of Vigilance and Anti Corruption also, the Respondents are obligated to review the orders of suspension to avoid unnecessary prolonged suspension causing serious prejudice to the State Exchequer. In paragraph 11 of the said Government Order, certain guidelines are laid down 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



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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 (ii) 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



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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 Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules or under Rule 3(b) of the Tamil Nadu Police Subordinate



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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 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



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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.”

7. In the light of the above guidelines, it is obligatory on the part of the 1st respondent to review the orders of suspension dated 09.08.2024 duly taking into consideration the guidelines laid down by the Government in paragraph No.11 of G.O.(Ms)No.81 dated 04.08.2022 and pass appropriate orders thereon, by taking a conscious decision



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either to revoke suspension or to continue the petitioner under suspension.

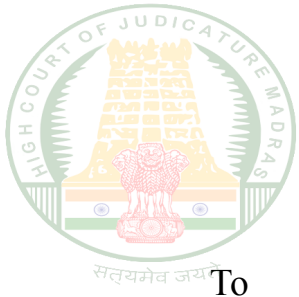
8. As no such exercise has been undertaken by the respondent No.1, the writ petition is disposed of directing the respondent No.1 to review the orders of suspension dated 09.08.2024, duly taking into consideration the guidelines laid down in paragraph No.11 of the said Government Order and pass appropriate orders thereon, as expeditiously as possible, at any rate within a period of four (4) weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

16.06.2026

Index : Yes / No

NCC : Yes / No

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Tamil Nadu Water Supply and Drainage Board,
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- 2.The Chief Engineer
Tamil Nadu Water Supply and Drainage Board,
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MUMMINENI SUDHEER KUMAR, J.

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