



WA(MD)No.2 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 29.04.2026

CORAM

**THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR
and
THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN**

WA(MD)No.2 of 2026
and
CMP(MD)No.3 of 2026

- 1.The Government of Tamil Nadu,
Rep.by Additional Chief Secretary to Government,
Water Resources Department,
Secretariat, Chennai-600 009.
- 2.The Engineer-in-Chief / Chief Engineer (General),
Water Resources Department,
PWD Campus, Chepauk,
Chennai.
- 3.The Chief Engineer,
Madurai Region, PWD Campus,
Tallakulam, Madurai.
- 4.The Superintending Engineer,
Water Resources Department,
Lower Vaigai Basin Circle,
Sivagangai.
- 5.The Executive Engineer,
Water Resources Department,
Lower Vaigai Basin Division,
Paramakudi.

... Appellants



WA(MD)No.2 of 2026

Vs.

K.Sambathkumar

... Respondent

PRAYER :- Writ Appeal filed under Clause 15 of Letters Patent, against the order made in W.P(MD)No.3949 of 2025 dated 17.03.2025.

For Appellants	: Mr.M.Ajmal Khan Additional Advocate General, assisted by Mr.S.P.Maharajan, Special Government Pleader
For Respondent	: Mr.S.Karthikai Balan for Mr.C.Prithviraj

JUDGMENT

(Judgment of the Court was made by **N.SATHISH KUMAR, J.**)

Challenging the order of the learned Single Judge in setting aside the suspension order dated 07.06.2024 and directing to re-instate the respondent into service and post him in some non-sensitive post, this writ appeal has been filed by the Government.

2. The respondent / writ petitioner while working as Assistant Engineer (Civil), was arrested in a trap case on 12.04.2024 by the Vigilance and Anti-Corruption Wing and remanded to judicial custody. Pursuant to the remand exceeding 48 hours, he was placed under



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suspension by order dated 07.06.2024 with effect from 12.04.2024. As the respondent was in prolonged suspension, he challenged the suspension order by way of writ petition relying upon G.O.Ms.No.81 Human Resources Management (N) Department, dated 04.08.2022. The learned Single Judge, taking note of the judgment of the Hon'ble Supreme Court in *Ajay Kumar Choudhary Vs Union of India*, reported in *(2015) 7 SCC 291*, and also G.O.Ms.No.81 issued in this regard, allowed the writ petition by impugned order.

3. Learned Additional Advocate General would submit that *Ajay Kumar Choudhary's* case relied upon by the learned Single Judge is not a correct proposition of law. In fact, the Full Bench of this Court in *P.Kannan vs. Commissioner for Municipal Administration and others* reported in *2022 SCC OnLine Mad 1154*, has clearly held that *Ajay Kumar Choudhary's* case does not lay down absolute proposition of law that an order of suspension cannot be continued beyond the period of three months if the memorandum of charges/charge-sheet has not been served within three months or if the memorandum of charges/charge-sheet is served without reasoned order of extension. Hence, his



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contention is that the learned Single Judge ought to have relied upon the abovesaid Full Bench judgment. He would further submit that since the respondent is facing serious criminal charges, it cannot be said that suspension cannot be continued beyond the period of three months.

4. Absolutely, there is no dispute with regard to the submissions made by the learned Additional Advocate General. Of course, the Full Bench in ***P.Kannan's case*** (supra) has held that the issue of challenge to the order of suspension should be analyzed on the facts of each case, considering the gravity of the charges and the rules applicable. In this regard, the Government of Tamil Nadu has also issued G.O.Ms.No.81 Human Resources Management (N) Department, dated 04.08.2022, formulating certain guidelines. The relevant passage of the said G.O., is extracted hereunder:

"(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) ----



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(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 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."*

12. *The Government also reiterate the time limit prescribed in the Government letter first read above for processing the disciplinary proceedings so as to ensure that there is no unwarranted delay in finalizing them, as follows:-*



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(i)	<i>To complete the investigation by Directorate of Vigilance and Anti-Corruption and to send a report to Government through Vigilance Commission.</i>	<i>One year</i>
(ii)	<i>To complete the enquiry by the Tribunal and to send its findings to the Department of Secretariat.</i>	<i>One year</i>
(iii)	<i>To pass final orders by the Government / Heads of Department on receipt of the report of the Tribunal.</i>	<i>Four months</i>

5. A conjoint reading of the above extracted guidelines makes it clear that prolonged suspension is not an absolute rule and it has to be reviewed then and there, considering the gravity of the charges and facts of each case has to be analysed by the authorities. The respondent has been arrested on the allegation of receipt of bribe money. Admittedly, the disciplinary proceedings have not been commenced. Except issuing charge sheet, no further proceedings have been initiated and proceeded and criminal case also may not conclude in the near future and the same would take considerable time. Therefore, we are of the view that till the completion of the criminal proceedings, keeping the respondent under prolonged suspension will not serve any purpose. In fact, it will cause loss of the exchequer since the Government has to pay the subsistence



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allowance upto a maximum of 75% salary without even extracting any work. Therefore, we are of the view that without extracting any work, paying subsistence allowance to the respondent would result in unnecessary drain on public funds. The respondent was placed under suspension on 12.04.2024 and till date nothing is moving forward. Hence, we are of the view that the order of the learned Single Judge does not require any interference.

6. Hence, the Writ Appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

[N.S.K., J.] & [M.J.R., J.]
29.04.2026

Index : Yes / No
Neutral Citation : Ye / No
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To

1.The Additional Chief Secretary to Government,
Government of Tamil Nadu,
Water Resources Department,
Secretariat, Chennai-600 009.

2.The Engineer-in-Chief / Chief Engineer (General),

7/9



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PWD Campus, Chepauk,
Chennai.

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N.SATHISH KUMAR, J.
AND
M.JOTHIRAMAN, J.

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ORDER MADE IN
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DATED : 29.04.2026