



W.P.(MD) No.6467 of 2026

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.03.2026

CORAM:

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD) No.6467 of 2026

M.Ilanchezhian

... Petitioner

-VS-

1.The Managing Director
TWAD Board
31, Kamarajar Salai
Chepauk, Chennai-600 005

2.The Executive Engineer
TWAD Board
Project Maintenance Division
Opposite to Mattuthavani Bus Stand
Madurai

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling records of the first respondent i.e. the Managing Director, TWAD Board, Chennai in Proc.No.10187/Estt. (DP)/A2/2024 dated 30.07.2024 and quash the same and consequently direct the first respondent i.e. the Managing Director, TWAD Board, Chennai, to



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reinstate the petitioner into service, within a specified time frame, subject to the result of the criminal case pending against him in C.C.No.355/2025 dated 22.12.2024, before the Judicial Magistrate Court No.IV, Madurai.

For Petitioner : Mr.S.Visvalingam

For Respondents : Mr.R.Satheesh
Standing Counsel

ORDER

Mr.R.Satheesh, learned Standing Counsel, 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 Standing Counsel appearing for the respondents.

4. This writ petition has been filed challenging the proceedings bearing Proc.No.10187/Estt.(DP)/A2/2024, dated 30.07.2024, issued by the



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first respondent, whereby the petitioner, who was working as Assistant Executive Engineer, was placed under suspension, on the ground that he was involved in a criminal case *vide* Crime No.1 of 2023, for the offence under Sections 420, 465, 468, 471, 120(b) I.P.C. In the said criminal case, a charge sheet has already been filed as early as on 22.12.2024 and the same was taken on file by the Court of the Judicial Magistrate No.IV, Madurai, vide C.C.No.355 of 2025 and the same is pending trial. In spite of filing a charge sheet in the said criminal case, the petitioner is continued to be under suspension for more than eighteen months. Under those circumstances, the petitioner has approached this Court challenging the proceedings of the first respondent, dated 30.07.2024.

5. Mr.S.Visvalingam, learned counsel for the petitioner, contended that the criminal case, in which the petitioner was involved, is nothing to do with his employment in the respondent – Board and the same is in respect of certain private dispute between him and the complainant therein and therefore, there is no justification on the part of the respondents to continue the petitioner under suspension anymore. He also placed reliance on a decision of the Honourable Apex Court in the case of ***State of T.N. vs. Promod Kumar***, reported in ***(2018) 17 SCC 677*** and also a decision of the



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WEB COPY learned Single Judge of this Court, dated 21.08.2025 in W.P.No.33197 of 2024, in the case of **G.Kalaimannan vs. The Secretary to Government, Revenue and Disaster Management Department and another**, in support of his contentions.

6. On the other hand, Mr.R.Satheesh, learned Standing Counsel appearing for the respondents, placed before this Court the written instructions received by him from the second respondent herein, dated 11.03.2026, stating that there is no allegation pending against the petitioner in connection with the service in the respondent – Board, except the pending criminal case in C.C.No.355 of 2025. He also further submitted that the respondent – Board will pass appropriate orders in the facts and circumstances of the case on hand.

7. Taking into consideration the submission made on either side, especially, the law laid down by the Honourable Apex Court in the case of **Promod Kumar** (cited supra), this Court is of the considered view that prolonged suspension is neither in the interest of the respondent – Board nor in the interest of the petitioner herein, in the light of the admitted fact position that there is no allegation pending against the petitioner insofar as his service



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in the respondent – Board is concerned and therefore, continuation of the petitioner under suspension any longer is in fact prejudicial to the interest of the respondent – Board as well, as the petitioner would be paid subsistence allowance without extracting any work from him.

8. The Honourable Apex Court in the above referred decision has held as follows:

“27. This Court in Ajay Kumar Choudhary v. Union of India, (2015) 7 SCC 291 has frowned upon the practice of protracted suspension and held that suspension must necessarily be for a short duration. On the basis of the material on record, we are convinced that no useful purpose would be served by continuing the first Respondent under suspension any longer and that his reinstatement would not be a threat to a fair trial. We reiterate the observation of the High Court that the Appellant State has the liberty to appoint the first Respondent in a non sensitive post.”

9. In the light of the above, this Court does not find any justification on the part of the respondents to continue the petitioner under suspension anymore.



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10. Accordingly, this writ petition is allowed directing the respondents to reinstate the petitioner into service forthwith. It is left open to the respondent – Board to consider posting the petitioner in any non-sensitive post, if they feel that the same is necessary. No costs.

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

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