

WP(MD). No.9219 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 07/04/2026

CORAM

THE HON'BLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

WP(MD). No.9219 of 2026

S.Rajapandian

... Petitioner

Vs.

1. The Principal Secretary to Government,
Health and Family Welfare Department,
Secretariat, St.George Fort,
Chennai-600009..

2. The District Collector,,
Madurai,
Madurai District.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the 1st respondent to revoke the order of suspension passed in G.O.(D) No.1019 Health and Family Welfare (OPI-1) Department dated 12.09.2025 in the light of the Clause-11(XI) of G.O.Ms.No.81 Human Resources Management(N) Department dated 04.08.2022 and based on petitioner representation dated 14.02.2026 and consequently direct the respondents to reinstate petitioner and post petitioner in non-sensitive post within the time limit stipulated by this Court.

For Petitioner : Mr.G.Thalaimuthurasu

For Respondents : Mr.B.Ramanathan

Additional Government Pleader



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ORDER

WEB COPY Heard the learned counsel for the petitioner and Mr.B.Ramanathan, learned Additional Government Pleader for respondents.

2. By consent of the parties, this writ petition is disposed of at the admission stage.

3. This writ petition has been filed aggrieved by the impugned order dated 12.09.2025, whereby the petitioner is placed under suspension consequent upon his involvement in Crime No.13 of 2025 on the file of the Inspector of Vigilance and Anti-corruption Department, dated 10.09.2025. The petitioner was also arrested in the said criminal case and subsequently, he was released on bail.

4. The grievance of the petitioner in the present writ petition is that the suspension order issued as early as on 12.09.2025 is not being reviewed by the respondents in spite of mandatory orders issued by the Government in G.O.(Ms.)No.81, Human Resources Management(N) Department dated 04.08.2022. The learned counsel



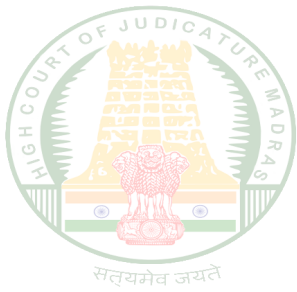
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for the petitioner prays for appropriate directions to the respondents to consider the case of the petitioner in terms of the orders issued in G.O.(Ms.)No.81, Human Resourced Management(N) Department dated 04.08.2022.

5. Mr.B.Ramanathan, learned Additional Government Pleader appearing for the respondents fairly submitted that the second respondent would consider the case of the petitioner for revocation of suspension by duly considering the representation dated 14.02.2026 in the light of the orders issued by the Government from time to time .

6. In terms of G.O.(Ms.)No.81, Human Resourced Management(N) Department dated 04.08.2022, it is obligatory on the part of the second respondent to review the orders of suspension dated 12.09.2025. Paragraph No.11 in the said Government Order 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:-



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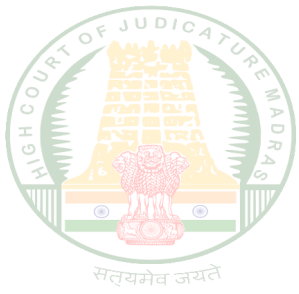
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(i) The power of ordering suspension should be exercised carefully and with restraint. Before a suspension order is issued, the authority concerned must be clear in mind that it is necessary, Prolonged suspension means that Government pays a Government 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 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



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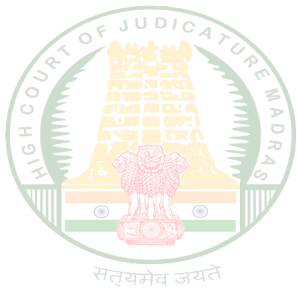
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three months, report the matter to the Head of the Department/Government, indicating the progress of the disciplinary action/investigation by the Director of Vigilance and Anti-Corruption, the reasons for non completion of the work and the further 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 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



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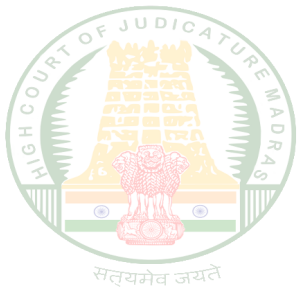


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delay in processing the case is not due to delaying tactics of the Government Servant. They should ensure that all notices issued to the suspended Government Servant should reach him without any loss of time.

(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.

(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



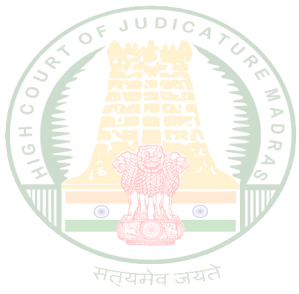
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(x) If, on examination of the case under items (vi), (viii) or (ix) above, continued suspension is considered not necessary, the suspension may be revoked in exercise of the powers conferred under Rule 17(e)(6) of the Tamil Nadu Civil Services (Discipline 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 theon vigilance report and is pending before the court of law for which no reasons are explained explicitly, the authority compellent 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 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 memorandam of charges / charge sheet. The decision



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*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 the light of the above, this writ petition is disposed of directing the second responded to consider the representation dated 14.02.2026 submitted by the petitioner in the light of orders issued by the Government in G.O.(Ms.)No.81, Human Resourced Management(N) Department dated 04.08.2022, as expeditiously as possible, at any rate, within a period of four weeks from the date of receipt of a copy of this order. No costs.

06.04.2026

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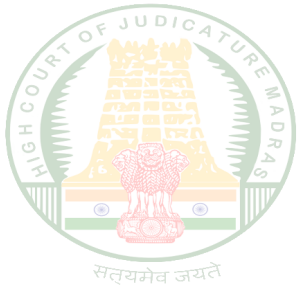


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