



W.A.(MD) No.20 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

AND

THE HONOURABLE MS.JUSTICE R.POORNIMA

W.A.(MD) No.20 of 2025

S.Baskar

.. Appellant

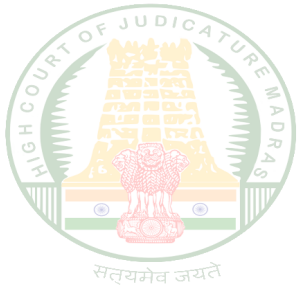
Vs.

1. The District Collector
Thanjavur district
Thanjavur

2. The Revenue Divisional Officer
Pattukottai Division
Pattukottai

.. Respondents

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order dated 08.02.2022 passed in W.P(MD) No.18913 of 2020 and allow this writ appeal.



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For Appellants : Mr.Suthagar Nagaraj

For Respondents : Mrs. Ahamed Yashmin Parvin
Government Advocate

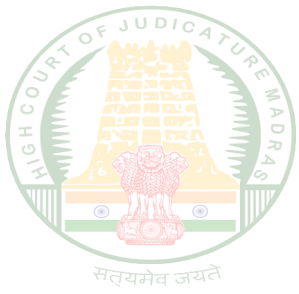
J U D G M E N T

[Judgment of the Court was made by A.D.JAGADISH CHANDIRA,J.)

The intra court appeal has been filed as against the order of the learned Single Judge passed in W.P(MD)No.18913 of 2020 dated 08.03.2022 dismissing the writ petition.

2. The brief facts of the writ petition are as follows:

The writ petitioner was working as a Village Administrative Officer in Athambai South Village. He was arrested on 01.07.2019 by the Vigilance and Anti Corruption Wing, Thanjavur, based on the criminal case registered in Crime No.6 of 2019 for the offences under Sections 7, 13(1)(d) r/w Section 13(2) of the Prevention of Corruption Act on the ground that he demanded and accepted a sum of Rs.2000/- as bribe from one Natarajan. On account of registration of the

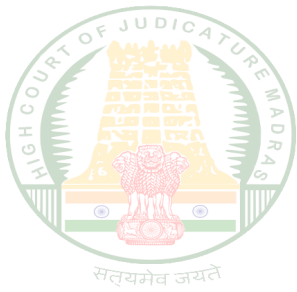


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criminal case, the petitioner was suspended by an impugned order dated 02.07.2019. Challenging the prolonged suspension on the ground of delay in trial and also non compliance of the requirement under G.O.Ms.No.81, Human Resources Management (N) Department 04.08.2022 the petitioner had approached this Court. The learned Single Judge holding that the petitioner had not approached the criminal Court seeking for early disposal of the criminal case, had dismissed the writ petition with a direction to the Department of Vigilance and Anti Corruption to dispose the case as expeditiously as possible. Challenging the same, the present writ appeal has been filed.

3. The learned counsel appearing for the appellant would contend that the petitioner was arrested on false charge and later he was released on bail. Meanwhile he was suspended by impugned proceedings dated 02.07.2019. In G.O.Ms.No.81, Human Resources Management (N) Department 04.08.2022, time line has been fixed for conducting the departmental proceedings. However the respondents have not completed the disciplinary proceedings within the said time line. In such circumstances, the petitioner is entitled for consideration for revocation of his suspension, whereas the learned Single Judge without taking



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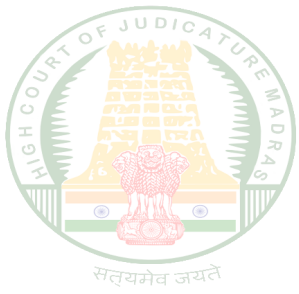
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into consideration the same, had dismissed the writ petition. Originally charges were framed under Section 17(b) of the T.N.C.S(Discipline and Appeal) Rules against the delinquent and enquiry commenced in the year 2022, however due to administrative reasons and transfer of enquiry officer, the enquiry could not be completed in time. Presently Mrs.Deivanai, Excise Officer, Pattukottai, is appointed as an enquiry officer.

4. Admittedly, the petitioner has been arrested on 01.07.2019 and was suspended pursuant through an impugned proceedings in R.C.No. 2203/2019/A1 dated 02.07.2019. The petitioner has been paid 50% of the salary as subsistence allowance for nearly about 6 years. Even though the allegations against the petitioner are serious in nature, G.O.Ms.No. 81 directs revocation of the suspension if it is more than one year and the relevant portion is extracted hereunder :

“11.....

(ii) Where a Government Servant has been suspended on disciplinary proceedings contemplated, such proceedings should be initiated immediately and finalized



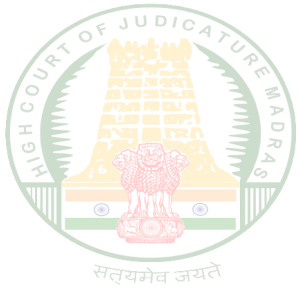
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(iii) In cases, where a Government Servant has been suspended and the matter has been referred for investigation to the Director of Vigilance and Anti Corruption for enquiry, the later should complete the enquiry and sent the report to Government through the Vigilance Commission within one year”

5. The petitioner is under suspension from 02.07.2019 and he is receiving 50% of salary as subsistence allowance. Disciplinary proceedings initiated against him is also pending for more than five years and the criminal case is also pending. In such circumstances, the petitioner is entitled for revocation of the suspension. However, the learned Single Judge has erroneously dismissed the writ petition.

6. In view of the above, the order of the learned Single Judge stands set aside and the impugned order dated 08.03.2022 stands quashed and the suspension order dated 02.07.2019 is also set aside. The respondent shall appoint



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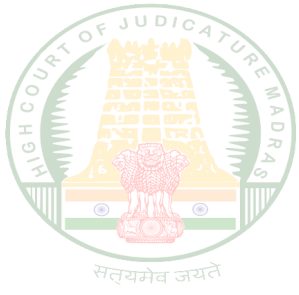
the writ petitioner in any non sensitive post. It is made clear that the disciplinary proceedings shall be concluded as early as possible.

[A.D.J.C., J.] & [R.P., J.]
01.08.2025

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

To

1. The District Collector
Thanjavur district
Thanjavur
2. The Revenue Divisional Officer
Pattukottai Division, Pattukottai



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