

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 27.02.2026

DELIVERED ON : 03.06.2026

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

WP(MD)No.21281 of 2024

and

WMP(MD)No.18004 of 2024

R.Ponnudurai

: Petitioner

Vs.

1.The Chief Engineer,
Agricultural Engineering Department,
487, Anna Salai,
Nandhanam,
Chennai.

2.The Director,
Department of Geology and Mining,
Chennai.

3.The District Collector,
Tirunelveli.

: Respondents

[R.2, R.3 *suo-motu* impleaded vide order dated 05.01.2026]



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PRAYER: Petition filed under Article 226 of the Constitution of India

seeking issuance of a Writ of Certiorarified Mandamus calling for the records of the first respondent in DC.3/29109/2022 dated 06.08.2024, quash the same and consequently, directing the first respondent to reinstate the petitioner in service at once.

For Petitioner : Mr.P.Ganapathi Subramanian

For Respondents: Mr.C.Venkatesh Kumar,
Special Government Pleader

ORDER

The petitioner, presently serving as an Assistant Engineer in the Agricultural Engineering Department, has been placed under suspension by the respondents on 12.07.2022 under Rule 17(e)(2) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, pursuant to his arrest on 05.07.2022 by the Tirunelveli CB-CID in Crime No.2 of 2021. The petitioner has submitted a representation on 29.02.2024 to revoke the suspension, but the same was rejected by the first respondent / Chief Engineer by the impugned order dated 06.08.2024 by referring to the instructions issued by the State government vide G.O (Ms)No.81,

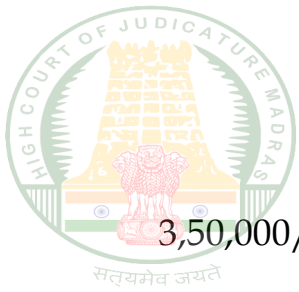


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Human Resources Management (N) Department, dated 04.08.2022.

Aggrieved over the same, the petitioner has filed this writ petition.

2.Learned Counsel appearing for the petitioner submitted that the petitioner was arrested on 05.07.2022 in connection with the case in Crime No.2 of 2021 on the file of CB-CID, Tirunelveli, on the allegation that the petitioner, while serving as Assistant Executive Engineer, has helped the other accused to engage in illegal sand mining. A charge memo was issued as against the petitioner by the Department, based on the alleged confession statement recorded by the investigation agency while arresting this petitioner on 05.07.2022. As per the charges, the petitioner approved the construction of farm ponds against the prevailing guidelines and facilitated illegal sand mining. Pursuant to the same, an enquiry was conducted by appointing an Enquiry Officer and the petitioner was found guilty of 8 charges by proceedings dated 11.04.2022. He was imposed with a punishment of stoppage of increment for one year with cumulative effect and was directed to compensate 50% of the loss caused by him under Charge No.5 to an extent of Rs.



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3,50,000/-, by deducting Rs.25,000/- per month from his salary for a

period of 14 months.

3.It is submitted by the learned Counsel appearing for the petitioner that even after the conclusion of the enquiry and imposition of punishment, the suspension order has not been revoked till date and therefore, the petitioner has submitted a representation to revoke the suspension order on 29.02.2024. This Court, by its order dated 26.03.2024 in WP(MD)No.6596 of 2024, has also issued a direction to the first respondent to consider the representation of this petitioner within a stipulated time. Thereafter, the impugned order has been passed, rejecting the request for revoking his suspension.

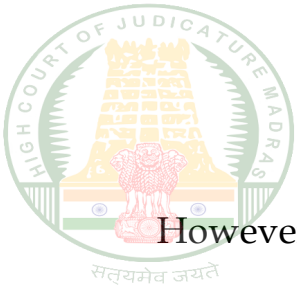
4.According to the learned Counsel appearing for the petitioner, the petitioner is innocent. He further submitted that the first accused is said to have committed the illegal quarrying of sand from the lands in between 28.03.2020 and 10.07.2020 during the COVID-19 period. However, the construction of the farm pond was completed as early as



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on 26.12.2019 and the petitioner has not granted any permission for transport of sand. The Agricultural Engineering Department only extends financial support for construction of farm ponds and is not directly involved in the construction process. Further, he submitted that the Executive Engineer, Tirunelveli who had surveyed the lands, where the farm ponds were constructed, has submitted a report that the Agricultural Engineering Department had no role in the illegal sand mining. Therefore, the petitioner has been unnecessarily roped in as an accused.

5.He further submitted that apart from this petitioner, another officer, by name, Kalaimuhil, Assistant Engineer, Agricultural Engineering Department has been added as an accused. However, she obtained anticipatory bail and she was not suspended from service. This petitioner alone has been suspended and kept under suspension for the past four years. He also pointed out that the main allegations are against the Assistant Director of Mines, S.Safiya, who was added as an accused in the criminal case. She was also arrested and released on bail.



However, her order of suspension has been revoked in four months and

she was allowed to continue in her work and that the petitioner alone has been victimised for no fault of his.

6. On the other hand, learned Special Government Pleader appearing for the first respondent submitted that the revocation of suspension has been considered, taking into account the serious allegations made as against the petitioner and the pendency of the investigation in Crime No.2 of 2021 on the file of the CBCID, Tirunelveli. The petitioner has sought to review his suspension as per G.O.(Ms) No. 40, Personnel and Administrative Reforms (N) Department, dated 30.01.1996 and the letter of the Personnel and Administrative Reforms (N) Department in 13519/N/2015-1, dated 23.07.2015. However, the above orders have been superseded by the Government by issuing G.O. (Ms) No.81, Human Resources Management (N) Department dated 04.08.2022. Therefore, based on these guidelines, the first respondent has rejected the representation of the petitioner seeking revocation of suspension and hence, this writ petition is liable to be dismissed.



WEB COPY 7. This Court considered the rival submissions made and perused the materials.

8. The petitioner, an Assistant Engineer in the Agricultural Engineering Department, has been placed under suspension on 12.07.2022, pursuant to his arrest on 05.07.2022 in connection with the case in Crime No.2 of 2021 on the file of the CB-CID, Tirunelveli. The allegations against this petitioner pertain to the period when he was serving as Assistant Executive Engineer at Cheranmahadevi and he was issued with a charge memo containing the following charges:-

(1) The petitioner has issued work orders for the construction of farm ponds not on farm land but on nearby survey numbers which is against the regulations of the farm pond scheme.

(2) The petitioner has issued work orders for the construction of farm ponds on plantations and lands owned by private companies which is against the farm pond scheme



regulations.

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(3)The farm ponds created under the supervision of the petitioner were deeper in depth than what is required for farm ponds.

(4)The petitioner has modified pages and records on the measurement book against the government regulations.

(5)The petitioner has established 5 farm ponds on lands without any water sources and these farm ponds were not used for agricultural activities. Hence, a loss of Rs.7,00,000/- which was incurred for construction of the farm ponds was caused to the government.

(6)The petitioner has prepared measurement book without the sign of the Assistant Executive Engineer which is against Department Regulations.

(7)The photo of the work site was not attached when request for work approval was made and the petitioner has granted approval without verifying the same.

(8)The petitioner has not acted with honesty and integrity



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which is expected from a government officer and violated Rule 20(1) of the Government Servants Conduct Rules 1973.

9. Thereafter, an enquiry was conducted and the enquiry officer has concluded that the charges were proved as against the petitioner. Therefore, punishment was imposed on the petitioner. However, the suspension has not been revoked on the ground of pendency of the criminal case, which is registered as against him and on the instructions issued by the Government in G.O (Ms)No.81, Human Resources Management (N) Department, dated 04.08.2022.

10. The case in Crime No.2 of 2021 on the file of the CBCID, Tirunelveli, was originally registered on the file of the Kallidaikurichi Police Station as Crime No.417 of 2020 that one Manuvel George was misusing the quarrying licence granted to him and was engaging in illicit sand theft. Thereafter, WP(MD)Nos.11057 and 15312 of 2020 were filed before this Court seeking action on the same and the transfer of investigation, respectively. Considering the sensitivity and seriousness



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of the issue and also the involvement of several government officials, including Revenue, Police and Mining Officials in illegal mining activity, a Division Bench of this Court by order dated 20.07.2021 transferred the investigation to the CB-CID. Thereafter, the CB-CID, Tirunelveli has registered an FIR in Crime No.2 of 2021 and took over the investigation.

11.This Court by its order dated 05.01.2026, has impleaded the Director of Geology and Mining and the District Collector, Tirunelveli, as parties to the proceedings and verified regarding the stage of the investigation in Crime No.2 of 2021 and also regarding the action taken as against the other erring officials.

12.Learned Special Government Pleader representing the District Collector has stated that the investigation in Crime No.2 of 2021 on the file of the CB-CID, Tirunelveli, was concluded on 29.07.2025 and also produced a copy of the final report before this Court. The report of the Director of Geology and Mining, dated 10.02.2026, regarding the action taken as against the erring officials is also placed before this Court.

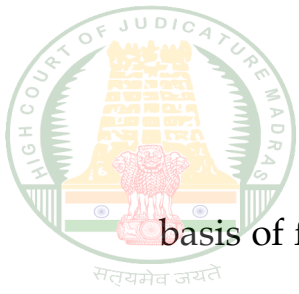


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A perusal of the final report reveals that the first accused, a resident of Kerala, has obtained M-sand stock yard licence and transport permit with the help of officials from the Geology and Mining Department. The first accused has dug up bogus farm ponds at various survey numbers in South Kallidaikurichi without obtaining any permission from the concerned authorities and also dug up unauthorised pits on other survey numbers. Thereafter, the sand dug up for such bogus farm ponds and pits has been illegally transported to the State of Kerala using the M-sand permits with the connivance of the other accused and officials.

14.The petitioner is shown as Accused No.21 and the final report has been filed as against him that while serving as Assistant Executive Engineer (Agricultural Engineering Department) at Cheranmahadevi, he has granted permission for constructing farm ponds under the NABARD Scheme, against the prevailing guidelines. Further, the permission to construct farm ponds was knowingly issued by the petitioner, on the



basis of fake and bogus applications without conducting any verification or field inspection. Therefore, he has aided the other accused to engage in illegal sand mining by misusing the farm pond scheme introduced by the government.

15. Apart from this petitioner, the CB-CID, Tirunelveli has filed the final report as against the Assistant Engineer of the Agricultural Engineering Department, one Kalaimuhil on similar charges. The CB-CID has also filed the final report as against one S.Safiya, the Assistant Director of Geology and Mining, Tirunelveli, along with her husband, Accused No.12, that she helped the first accused to engage in illicit sand theft by granting permission to store M-sand in stock yard for 5 years and illegally issued transport permits for transporting M-sand without verifying the M-sand units and surrender pass. Her husband, one Sameer @ Sayed Sameer, has been added as Accused No.12 that he acted as a broker at the Geology and Mining Department, Tirunelveli and has facilitated sand theft by inducing his wife to issue permits.



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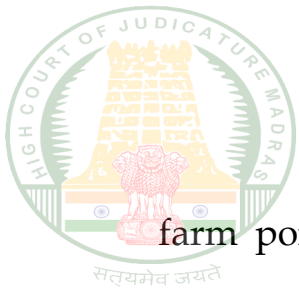
16. Sand mining by private individuals is prohibited in the State of Tamil Nadu with effect from 2003 under Rule 38-A of the Tamil Nadu Minor Mineral Concession Rules 1959. As per this rule, the right to exploit sand in the State is vested with the State Government alone to the exclusion of others. However, in this case, a person from Kerala has taken sand illegally from the banks of River Thamiraibarani and has illegally transported the same in the name of M-sand to the State of Kerala. The first accused has committed this offence with the connivance of the officials. The petitioner and other accused from the Agricultural Engineering Department have also facilitated the crime by issuing work orders for constructing bogus farm ponds in order to legalise the mining operations without even ascertaining the survey numbers and the nature of land.

17. A farm pond is a small water harvesting structure created either by excavating land or by constructing a small embankment across a natural waterway to collect and store rainwater and surface run-off from



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a localised catchment area. The primary object of constructing such farm ponds is to provide a reliable source of irrigation during dry spells and drought conditions. They function as small catchment systems that improves groundwater storage and raise the water table in dry land areas. They provide irrigation to standing crops during critical stages of cultivation and reduce crop losses and improve agricultural productivity. In addition to supporting farming activities, farm ponds can also be used for fish culture and provide an additional source of income to farmers. Therefore, the role of the officers of Agricultural Engineering Department is to identify suitable lands for constructing these farm ponds. They have to verify whether there is a catchment area for the storage of water, whether agricultural activity is being carried out on the land and whether there is a surface run off from which water can be collected in the farm ponds. However, in this case, under the guise of constructing farm ponds, illegal mining was carried out and bogus farm ponds were constructed in order to justify the quarrying operation. The petitioner has issued work orders to construct farm ponds on private plantations and non-agricultural lands which is against the object of the

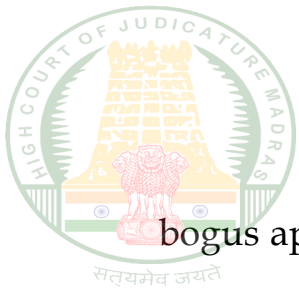


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farm pond scheme and fake applications were made for constructing farm ponds and without even verifying the same, permission was granted by the petitioner.

18.In fact, a charge memo was issued as against this petitioner on 18.09.2020 that he has issued work orders for the construction of bogus farm ponds against the regulations of the farm pond scheme. The enquiry officer found that the eight charges were proved and the petitioner was imposed with a punishment of stoppage of increment for one year with cumulative effect and was directed to compensate 50% of the loss caused by him under Charge No.5 to an extent of Rs.3,50,000/-, by deducting Rs.25,000/- per month from his salary for a period of 14 months. The petitioner has not preferred any appeal against the same and therefore, the order of punishment became final.

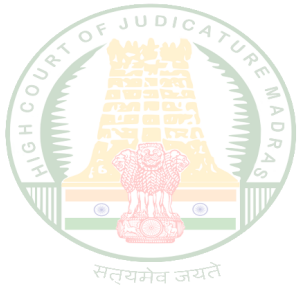
19.The investigation agency has now filed a final report as against this petitioner alleging that work orders to construct farm ponds was knowingly issued by the petitioner on the basis of completely fake and



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bogus applications and the petitioner did not verify the same or conduct field inspection. Therefore, he has enabled the other accused to misuse the farm pond scheme introduced by the government to engage in illegal sand mining.

20.The charge memo was issued to this petitioner on technical grounds based on the confession statement that was recorded by the investigation agency during his arrest. Thereafter, more materials have been collected by the investigation agency during their investigation and the same needs to be appreciated. The first respondent has rejected the petitioner's request for revocation of suspension by referring to the guidelines issued by the Government vide G.O (Ms)No.81, Human Resources Management (N) Department, dated 04.08.2022, wherein, the Government has clarified that time limits regarding suspension shall not apply to employees against whom criminal proceedings are pending and that revocation of suspension shall be decided depending on the facts of each case. Therefore, this Court does not find fault with the impugned order.



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21.At the same time, the petitioner cannot be kept under suspension indefinitely without extracting any work from him. Since the final report has been filed by the investigation agency in Crime No.2 of 2021, the concerned authority from the first respondent shall scrutinise the allegations in the final report of the CB-CID as against this petitioner and in the event, if any of the charges needs to be addressed by initiating further disciplinary proceedings, the same shall be undertaken by the concerned authority. Otherwise, the suspension of the petitioner may be revoked and he may be placed in any of the non- sensitive post after consultation with the investigating agency pending the outcome of the criminal case, which is also allowed as per G.O (Ms)No.81, Human Resources Management (N) Department, dated 04.08.2022.

22.Since similar allegations have also been made as against one Kalaimuhil who was serving as Assistant Engineer, Agricultural Engineering Department at the time of commission of the offence and she has been added as Accused No.22 in the final report, the concerned



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authority from the first respondent shall undertake a similar exercise with regard to this officer also and initiate further disciplinary proceedings against her, if necessary.

23.Further, it appears that the Geology and Mining Department has revoked the suspension as against one S.Safiya, Accused No.20, who was serving as Assistant Director, Geology and Mining, Tirunelveli at the time of the offence. In fact, a charge memo has been issued to this officer on 16.05.2025 and the contents of the charges are extracted in brief for reference:

(1)That S.Safiya while serving as Assistant Director, Geology and Mining, Tirunelveli failed to inspect, supervise and check measurements against the huge quantity of sand quarried in the name of construction of farm ponds in Survey Nos.833, 844, 845, 846/6, 848 and 849 and unauthorised pits dug on Survey Nos.843 and 846/6. Therefore, illegal extraction of 35,163.98m³ and disposal of 27,723.66m³ of sand was not curtailed resulting in a loss of Rs.7,89,31,308/- to the



government.

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(2) That S.Safiya failed to inspect and curtail illegal sand mining but instead issued permits for the transportation of M-sand without any verification of whether the M-sand unit had obtained necessary statutory approvals. As a result, a loss of Rs. 1,67,90,270/- was caused to the government.

(3) That S.Safiya failed to inspect illegal quarrying activities and issued transit pass to the illegally quarried sand and gravel resulting in loss of Rs.9,57,21,578/- to the government.

(4) That S.Safiya failed to maintain absolute integrity and devotion as required under Rule 20(1) of the Tamil Nadu Government Servants Conduct Rules 1973.

24. Therefore, it appears that this officer has played a major role in the commission of offence while she was serving as Assistant Director, Geology and Mining, Tirunelveli in connivance with her husband, Accused No.12. She was placed under suspension pursuant to her arrest



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vide GO.(D) No.32, Industries (E.1) Department dated 13.04.2022.

However, the suspension was revoked vide GO.(D) No.1, Industries, Investment Promotion and Commerce (E.1) Department dated 02.01.2023 without prejudice to the criminal case pending as against her. Even though the charge memo was issued on 16.05.2025 itself and the required documents were provided to the officer on 12.01.2026, the officer has not provided an explanation till date and therefore, the enquiry has not commenced yet. It also appears that this officer is presently serving as Assistant Director, Geology and Mining, Kancheepuram.

25.This episode clearly shows the manner in which the offenders are escaping accountability and punishment for their actions. Such slackness in initiating disciplinary proceedings and taking action as against the erring officials would only embolden the other officials to indulge in such activities. The reputation of the department depends on the integrity of its officers and even one drop of poison would spoil an entire tank of water. Therefore, the Director of Geology and Mining /



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second respondent shall look into this issue and ensure that the enquiry

pending as against this officer is completed at the earliest.

26.This case creates an impression that anything can be achieved with ill gotten money without any serious consequence. It is for the higher officials concerned to correct this notion and protect the integrity of the department. Since the final report has been filed, the CB-CID, which has conducted the investigation in an effective manner, shall ensure the conclusion of the trial at the earliest.

With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Internet : Yes
gk

03.06.2026

Note:

Mark a copy of this order to
The Deputy Superintendent of Police,
CB - CID, Tirunelveli.



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B.PUGALENDHI, J.

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To

- 1.The Chief Engineer,
Agricultural Engineering Department,
487, Anna Salai,
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- 2.The Director,
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Chennai.
- 3.The District Collector,
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