



W.P.(MD).No.33592 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 15-04-2026

CORAM :

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD)No.33592 of 2025

and

W.M.P.(MD).No.26504 of 2025

P.Balu

...Petitioner

Vs

The Commissioner,
Melur Municipality,
Melur, Madurai District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned suspension order passed by the respondent vide his proceedings in Na.Ka.No.1793/2025/C1, dated 03.07.2025 and quash the same as illegal and consequently directing the respondent to resume his work as a Sanitary Worker in the Public Health Department, Melur Municipality, Madurai and for other reliefs.

For Petitioner : M/s.D.S.Haroon Rasheed



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ORDER

This writ petition has been filed challenging the order passed by the respondent dated 03.07.2025 and seeking consequential direction to the respondent to resume his work as a Sanitary Worker in the Public Health Department, Melur Municipality, Madurai.

2. Heard the learned counsel for the petitioner. Though notice has been served on the respondent, no appearance has been entered on their behalf. Hence, the matter is disposed of without awaiting for a counter, based on the materials available on record.

3. While the petitioner was working as a Sanitary Worker in the Public Health Department of the respondent Municipality, he was involved in Crime No. 304 of 2025 on the file of Melur Police Station, Madurai District. He was arrested and remanded to judicial custody for more than 48 hours. In light of the same, under Rule 4(1)(ii) of the Tamil Nadu Non-Centralized Regular Public Health Establishment Discipline and Appeal Regulations, 1977, the respondent issued a suspension order on 03.07.2025.



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4. Subsequently, the petitioner was enlarged on bail and claims to have approached the respondents seeking revocation of the suspension after completion of three months of suspension period. However, having failed to receive any response from the respondent, the petitioner has approached this Court by filing the present writ petition, challenging the proceedings dated 03.07.2025 and seeking a consequential direction to the respondent to permit him to resume work as a Sanitary Worker.

5. Since the date of suspension is 03.07.2025, more than ten months have lapsed; however, there is nothing on record to suggest that the respondent has reconsidered the issue of the petitioner's continued suspension. Continuing an employee under suspension for a prolonged period would result in loss to the State exchequer, as a substantial amount would have to be paid towards subsistence allowance without extracting any work. Therefore, it is obligatory on the part of the respondent to review the petitioner's case and ascertain whether his continued suspension is necessary. Further, the Government has also issued guidelines in G.O.Ms.No.81 Human Resources Management (N) Department dated 04.08.2022, prescribing certain norms in matters of prolonged suspension.



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6. The relevant portion of the said Government order is extracted

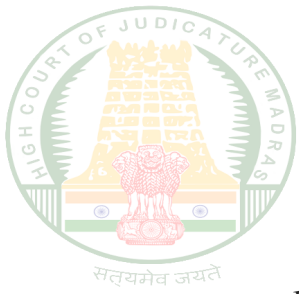
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"11. The Government, after careful examination, reiterates the guidelines issued in the Government Order second read above with slight modification as follows:

(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



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iv) in respect of cases referred to under items (l) and (m) 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 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



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(vii) *The disciplinary authorities should ensure that the 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 (viii) above shall be made by the competent authority.*

(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*



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conferred under Rule 17(e)(6) of the TamilNadu Civil Services (Discipline and Appeal) Rules or under Rule 3(e)(5) of the TamilNadu Police Subordinate Services (Discipline and Appeal) Rules, 1955, as the case may be.

(xi) In cases where the charge in the criminal case involved 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 laking 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 memorandam 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"



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7. In light of the above Government Order, it is obligatory on the part of the respondent to review the order of suspension dated 03.07.2025; however, the respondent has failed to undertake such review as on date.

8. In view thereof, this Writ Petition is disposed of, directing the respondent to review the order of suspension dated 03.07.2025 issued against the petitioner, in accordance with the guidelines laid down by the Government in G.O.Ms.No.81, Human Resources Management (N) Department, dated 04.08.2022, and to pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

15.04.2026

NCC:yes/no
Index:yes/no
Internet:yes/no
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To:
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Melur Municipality,
Melur, Madurai District.



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MUMMINENI SUDHEER KUMAR, J.

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