



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.07.2026

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE N. SENTHILKUMAR

W.A.NO.2434 OF 2024
AND CMP NO.17268 OF 2024

K.Saravanakumar

... Appellant

Vs.

1.The Government of Tamil Nadu
Rep. By the Principal Secretary to
Government of Tamil Nadu
Municipal Administration and Water Supply Dept.,
Secretariat, Fort Saint George,
Chennai – 600 009.

2.The Director of Municipal Administration
11th Floor, Urban Administrative Building,
No.75, Santhome High Road, MRC Nagar,
Raja Annamalaipuram, Chennai – 600 028.

3.The Commissioner
Coimbatore City Municipal Corporation
Coimbatore – 641 001.

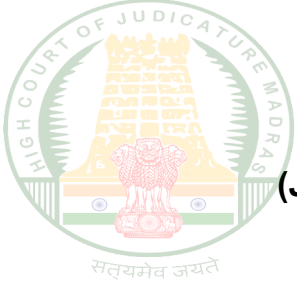
... Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent praying to set aside Para Nos.7(ii) & (iii) in W.P.No.15780 of 2024 dated 19.06.2024.

For Appellant : Mrs.Dakshayani Reddy
Senior Counsel
Assisted by Mr.S.Vijayakumar

For Respondents - 1&2 : Dr.R.Gouri
Government Counsel

For Respondent – 3 : Ms.Fathima Aseena
for Mr.D.R.Arun Kumar



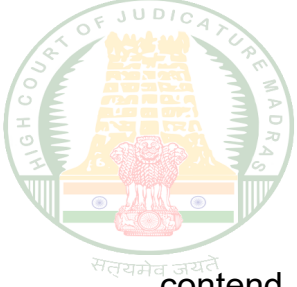
J U D G M E N T

(Judgment of the Court was made by S.M.Subramaniam J.)

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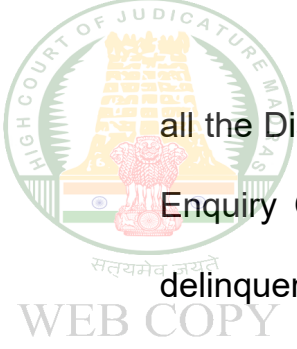
The writ petitioner is the appellant before this Court. Intra Court appeal has been instituted challenging the writ order dated 19.06.2024 passed in W.P.No.15780 of 2024. Departmental disciplinary proceedings were initiated against the appellant under Rule 8(2) of the Coimbatore City Municipal Corporation Services (Discipline and Appeal) Rules, 1986. Charge Memorandum was issued on 19.11.2013.

2.The learned Senior Counsel for the appellant would submit that there was a long delay in conducting departmental enquiry. Though an Enquiry Officer was appointed after issuance of charge memo, the enquiry report was submitted in the year 2022. The Enquiry Officer submitted his additional report on 09.05.2023. Appellant filed a writ petition in W.P.No.7515 of 2024. The said writ petition was disposed of by the learned Single Judge of this Court on 21.03.2024 directing the respondents herein to pass final orders on the basis of the enquiry report and the explanation submitted by the appellant, within a period of four weeks from the date of receipt of a copy of the said order. Accordingly, enquiry report was communicated to the appellant. The appellant submitted his explanation on the findings of the Enquiry Officer on 07.05.2024 and final order in the departmental disciplinary proceedings was passed on 18.05.2024 imposing the punishment of stoppage of increment for three years with cumulative effect.



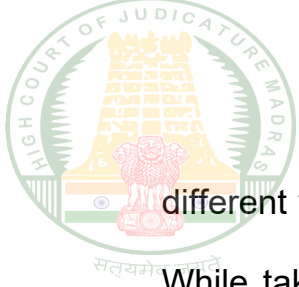
3.The learned Senior Counsel for the appellant would mainly contend that there was enormous delay in the disposal of the disciplinary proceedings. Even on merits, the explanation submitted by the appellant / delinquent officer was considered by the Enquiry Officer and none of the charges against the appellant was held proved by the Enquiry Officer. However, by not accepting the findings of the Enquiry Officer, the Disciplinary Authority imposed the punishment of stoppage of increment for three years with cumulative effect. On this ground, the writ petition was considered and the matter was remanded back to the Disciplinary Authority with a direction to issue a fresh / second show cause notice, setting out the reasons for deviating the findings of the Enquiry Officer, enabling the appellant / delinquent officer to submit his further explanation on the views taken by the Disciplinary Authority, deviating the findings of the Enquiry Officer. Such an opportunity was not afforded to the appellant. However, instead of setting aside the order of punishment in its entirety, the writ Court remanded the matter to the Disciplinary Authority, thereby prolonging the disciplinary proceedings for several years.

4.This Court is of the considered view that the appellant has earlier filed a writ petition seeking to quash the charge memorandum. The said writ petition was filed in the year 2024 and the learned Single Judge directed the authorities to pass final orders based on the enquiry report. If at



all the Disciplinary Authority has taken a decision to deviate the findings of the Enquiry Officer, in his report, he has to issue a show cause notice to the delinquent officer by recording the reasons for deviation and to provide opportunity to the delinquent officer to submit his explanation on the deviated views of the Disciplinary Authority. Such an opportunity was not afforded to the appellant before passing the final order of punishment. Therefore, the Writ Court set aside the order of punishment and remanded the matter back to the Disciplinary Authority, for issuance of fresh/second show cause notice setting out the reasons for taking a different view than that of the findings of the Enquiry Officer, so as to afford an opportunity to the appellant, to submit his explanation. Therefore, the direction issued by the Writ Court is in consonance with the principles to be applied for departmental disciplinary proceedings.

5.The Disciplinary Authority is empowered to agree with the findings of the Enquiry Officer or to deviate with the findings of the Enquiry Officer, which is well within his jurisdiction. However, while deviating from the views of the Enquiry Officer, the Disciplinary Authority has to issue fresh / second show cause notice recording the views and afford an opportunity to the delinquent officer to submit his explanation. On receipt of such explanation, final orders may be passed, on merits and in accordance with law.



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6.In the present case, the Disciplinary Authority had taken a different view than that of the views taken by the Enquiry Officer in his report.

While taking such a decision, the second show cause notice, as mandated, has not been issued. Thus, the matter was remanded back. In view of the aforesaid position, this Court does not find any infirmity in the order passed by the writ Court. The matter further prolonged for two years on account of the pendency of the present writ appeal.

7.Taking note of the facts and circumstances, the respondents are directed to issue fresh show cause notice to the appellant setting out the reasons for taking a different view than that of the Enquiry Officer and afford an opportunity to the appellant to submit his explanation. On receipt of such explanation, the respondents are directed to pass orders afresh, on merits and in accordance with law. The said exercise is directed to be completed within a period of six weeks from the date of receipt of a copy of this judgment.

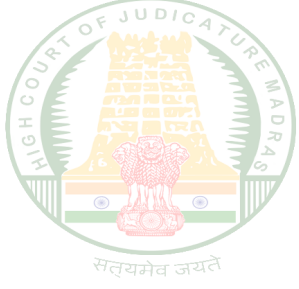
8.With these directions, the writ appeal stands dismissed. However, there shall be no order as to costs. Consequently, connected civil miscellaneous petition is closed.

[S.M.S., J.]

[N.S., J.]

21.07.2026

Index : Yes
Speaking Order : Yes
Neutral Citation : Yes
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S.M.SUBRAMANIAM, J.

AND

N.SENTHILKUMAR, J.

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To

- 1.The Principal Secretary to Government of Tamil Nadu
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Municipal Administration and Water Supply Dept.,
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