

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-07-2026

CORAM

THE HON'BLE MS. JUSTICE P.T. ASHA

WP No. 29901 of 2024

and

WMP Nos. 32606 and 32607 of 2024

S.Anbarasu

..Petitioner(s)

Vs

1. The Director of Agriculture
Office of the Director of Agriculture,
Chepauk, Chennai 600 005.
2. S.Nagarajan
Deputy Director Of Agriculture
(F.T.C)/Enquiry Officer, Salem District,
Salem.

..Respondent(s)

PRAYER: Writ Petition has been filed under Article 226 of Constitution of India praying to issue a writ of Certiorarified mandamus to call for the records relating to the impugned Charge Memo issued by the 1st respondent in VCS3/41935/2018 dated 02.02.2024, served on 22.04.2024 and to quash the same and consequently, directing the 1st respondent to defer the appointment of Enquiry Officer in Proc.No.VCS 3 / 41935 / 2018 dated 31.08.2024 till the conclusion of the criminal case in Spl.C.C.No. 1 of 2012 on the file of Chief Judicial Magistrate-cum-Special Court, Krishnagiri on the Charge Sheet No. 06/2011 dated 27.10.2011.



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For Petitioner(s):

Mr.G.Sankaran, Senior Counsel
for Mr.S.Nedunchezhiyan

For Respondent(s):

Mr. L.Gokulraj
Government Advocate

Order

This writ petition has been filed for the following relief:

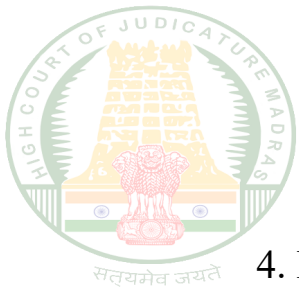
“To issue a writ of Certiorarified mandamus to call for the records relating to the impugned Charge Memo issued by the 1st respondent in VCS3/41935/2018 dated 02.02.2024, served on 22.04.2024 and to quash the same and consequently, to direct the 1st respondent to defer the appointment of Enquiry Officer in Proc.No.VCS 3 / 41935/2018 dated 31.08.2024 till the conclusion of the criminal case in Spl.C.C.No.1 of 2012 on the file of the Chief Judicial Magistrate-cum-Special Court, Krishnagiri on the Charge Sheet No. 06/2011 dated 27.10.2011.”

2. The petitioner would submit that he was initially appointed as an Agricultural Officer through TNPSC in the Agriculture Department on 12.09.1996. His services have been regularized and from the date of his



appointment, he has rendered meticulous service without any blemish. On the basis of a complaint given by one Thimmaiah alleging the demand for illegal gratification for the release of subsidy for construction of a vermin compost shed, a trap was laid by the Vigilance and Anti-Corruption Department on 22.06.2010. Consequently, he was placed under suspension by order dated 23.06.2010. Crime No.3 of 2010 was registered against the petitioner under Sections 7 and 13(2) read with 13(1)(d) of the Prevention of Corruption Act, 1988. After investigation, a charge sheet was filed in Spl.C.C. No.1 of 2012 before the Chief Judicial Magistrate-cum-Special Court, Krishnagiri. The criminal case is still pending and two prosecution witnesses have already been examined.

3. While so, after nearly 14 years from the date of the alleged occurrence, the 1st respondent had issued a charge memo dated 02.02.2024, which was served on the petitioner on 22.04.2024. The petitioner sought 60 days' time to submit his explanation and also requested a translated copy of the charge memo. However, only 15 days' time was granted and the request for a translated copy was not considered. Aggrieved by the issuance of the charge memo, the petitioner has filed the present writ petition seeking the aforesaid relief.

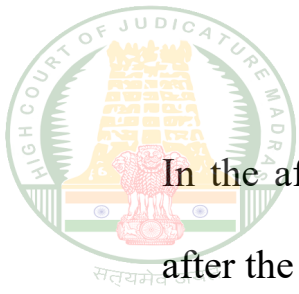


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4. Heard both sides and perused the materials available on record.

5. For an alleged offence said to have occurred in the year 2010 in respect of which a criminal case in Spl.C.C.No.1 of 2012 is pending on the file of the Chief Judicial Magistrate cum Special Court, Krishnagiri, a Charge Memo has been issued by the 1st respondent on 22.04.2024 after 14 years. The criminal case has not been concluded to date. Only two witnesses have been examined and thereafter, the same has not proceeded further. Further proceedings pursuant to the charge memo would be harsh upon the petitioner particularly when the criminal case arising out of the very same set of facts is pending consideration. Admittedly, disciplinary proceedings which is on the very same set of facts as those in the criminal case can be proceeded with only after the criminal case is disposed of. However, in the instant case, the charge memo itself has been issued on 22.04.2024 after 14 years from the date of the alleged offence.

6. The issue of delay in issuing the charge memo has been considered by a learned Judge of this Court in the decision reported in **2000 (4) CTC 517 – C.P.Harish Vs. The Central Warehousing Corporation.**



In the aforesaid case, the charge memo had been issued nearly 13 years after the incident. The learned Judge had observed as follows:-

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“17.This Court is conscious of the fact that it would not be open to the Tribunal or Court to quash the charges even at the threshold. However, I have already stated that the alleged irregularities or lapses had taken place in the year 1982 and 1991 respectively and action was taken only in the year 1995 and 1998 respectively. I have already held that the inordinate and unexplained delay vitiates the charge memos and the same are liable to be quashed. The disciplinary proceedings cannot be initiated after a lapse of considerable time. Such delay makes the task of proving the charges difficult and is thus not also in the interest of administration. As observed earlier, delayed initiation of proceedings is bound to give room for allegations of bias, mala fides and misuse of power. If the delay is too long and is unexplained, the Court may well interfere and quash the charges. Here, in our cases, the petitioner has raised a plea that the delay is likely to cause prejudice to him in defending himself. If such plea is raised, the Court has to weigh the factors appearing for and against the said plea and take a decision on the totality of circumstances. After the delay of 13 years and 8 years, it would be impossible for the petitioner to remember the identity of the witnesses whom he could summon to appear before the enquiry authority to support his case. Even if he could summon their presence, it would be a doubtful



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proposition whether they would be in a position to remember that happened more than 13/8 years back and help him in his defence. Further more, the petitioner may not be in a position to effectively cross – examine the witnesses to be examined on the side of the corporation. Practically, it would be a doubtful proposition that either the prosecution witnesses or the defence witnesses would be in a position to remember the facts of the case and advance the case of either the Corporation or the petitioner. Under these circumstances and on the facts and circumstances disclosed, I hold that the inordinate delay will constitute denial of reasonable opportunity to the petitioner to defend himself that it would amount to violation of principles of natural justice and as such, the impugned charge memorandum must be struck down. By weighing all the factors both for and against the petitioner / delinquent officer. I hold that quashing the charge memorandum is just and proper in the circumstances”.

7. By reason of the delay, the petitioner would also not be able to effectively defend himself. The dicta laid down in the above judgment is squarely applicable to the facts of the present case.



8. Therefore, considering the efflux of time, it would be in the interest of justice to quash the impugned order. However, considering the fact that the criminal case is yet to reach the finality, it is open to the respondents to revive the disciplinary proceedings, in accordance with law, if the criminal case is decided against the petitioner. Accordingly, the writ petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

09-07-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

SRN

To

The Director Of Agriculture
Office Of The Director Of Agriculture,
Chepauk, Chennai 600 005.



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P.T.ASHA J.

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