



WP(MD). No.7744 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 14/07/2026

CORAM

THE HON'BLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

WP(MD)No.7744 of 2026
and WMP(MD). No.6328 of 2026

S.Parthasarathy

... Petitioner

Vs.

The Director of Municipal Administration,
Chennai.

... Respondent

PRAYER:- This petition is filed under Article 226 of the Constitution of India to grant an order of interim stay of all further proceedings in the Impugned Charge Memo in Na.Ka.No.5175/2021/V2-1 dated 03.09.2024 issued by the respondent pending disposal of the writ petition.

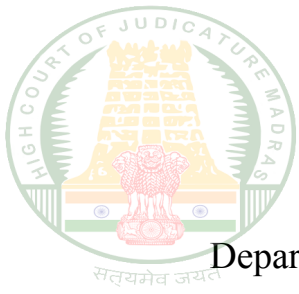
For Petitioner : Mr.RM.Arun Swaminathan

For Respondent : Mr.C.Jeganathan

Counsel for Government of Tamil Nadu

ORDER

While working as the Commissioner of Virudhunagar Municipality, the petitioner was alleged to have committed certain irregularities resulting in an investigation by the Vigilance and Anti-Corruption Department. Accordingly, the Vigilance and Anti Corruption



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Department, after having conducted an inquiry into the said allegations, is stated to have submitted a report to the Government. The Government, after having taken into consideration the said report, came to the conclusion that the principal charges levelled against the petitioner have not been substantiated, dropped the further proceedings in connection with Vigilance and Anti-corruption Department vide G.O.No.208. Municipal Administration and Water Supply Department dated 01.04.2024.

2. It was thereafter the respondent herein issued the impugned charge memo vide the proceedings in Na.Ka.No.5175/2021/ V2-1 dated 03.09.2024 on certain irregularities alleged to have been committed by the petitioner. It is aggrieved by the said charge memo, the petitioner has approached this Court by filing the present writ petition contending that on the very same charges, the Government has on an earlier occasion dropped the charges vide G.O.No.208, Municipal Administration and Water Supply Department dated 01.04.2024 and therefore it is not open for the respondent herein to issue the impugned charge memo on the very same set of facts.



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3. This Court, having taken note of the order issued by the Government in vide G.O.No.208, Municipal Administration and Water Supply Department dated 01.04.2024, granted interim stay of all further proceedings pursuant to charge memo and the said interim order is extended from time to time and is in force as on date.

4. The respondent filed a counter affidavit and also sought for vacation of the interim order passed by this Court. On a perusal of the counter affidavit it is noticed that the Government while issuing orders in vide G.O.No.208, Municipal Administration and Water Supply Department dated 01.04.2024, also addressed a letter to the respondent vide Letter (D)No.209, dated 01.04.2024 requesting the respondent herein to take appropriate action against the petitioner herein and eight others in respect of the allegations detailed in Part -III(B) of the Directorate of Vigilance Anti-Corruption's report. Further, it is also stated in the counter affidavit that it is only pursuant to the Letter (D)No. 209, dated 01.04.2024, the impugned charge memo came to be issued against the petitioner.

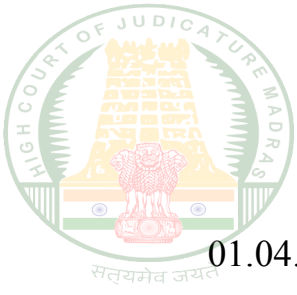


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5. Mr.C.Jeganathan, learned Counsel for Government appearing for the respondent submits that the petitioner, having submitted an explanation in response to the charge memo and having waited for a long period, has approached this Court belatedly as an afterthought. Thus, the contention of the respondent is that the subject matter of the charges that were dropped by the Government through G.O.No.208, Municipal Administration and Water Supply Department dated 01.04.2024 are totally different and the said charges only in respect of the loss alleged to have been caused to the Government and the charges, that are now subject matter of the impugned charge memo, are in respect of certain procedural irregularities committed by the petitioner in the matter of procurement of various materials during COVID-19 pandemic.

6. This Court, after having perused the orders issued by the Government in G.O.No.208, Municipal Administration and Water Supply Department dated 01.04.2024 and the charges that are framed in the impugned charge memo, is *prima facie* convinced that the main charge that was dropped against the petitioner vide G.O.No.208. Municipal Administration and Water Supply Department dated



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01.04.2024 is in respect of the financial loss alleged to have been caused to the Government and the intention of the Government is only to drop any action by the Vigilance and Anti-Corruption Department. But the same is nothing to do with the departmental action. Further, in the Letter (D)No.209, dated 01.04.2024 also, it is clear that the Government while dropping the charges at the instance of Vigilance and Anti-Corruption Department on 01.04.2024 simultaneously and consciously addressed a letter to the respondent herein to take action basing on the report of the Vigilance and Anti-Corruption Department. The operative portion of the said the Letter (D)No.209, dated 01.04.2024 reads thus:

"I am to enclose a copy of the Factual report (உண்மைநிலை அறிக்கை) of the Director of Vigilance and Anti-Corruption cited along with its enclosures and to request you to take 'appropriate action' against the Accused Officers Thiru.Parthasarathi, formerly Commissioner and 8 others, Virudhunagar Municipality in respect of the allegations as detailed under Part-III (B) (Factual Report) in the Directorate of Vigilance and Anti-Corruption's report.

2. The action taken report shall be sent to the Government, Vigilance Commission and the Director of Vigilance and Anti-Corruption, early".



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7. In the light of the above conscious decision of the Government, it cannot be said that the charges that are framed against the petitioner in the impugned charge memo are the same charges as was dropped by the Government in G.O.No.208, Municipal Administration and Water Supply Department dated 01.04.2024. The petitioner has already submitted his explanation in response to the impugned charge memo and the proceedings are pending for further inquiry. Though the learned counsel for the petitioner tried to make certain submissions touching upon merits of the charges that are framed against the petitioner, this Court is not inclined to go into those aspects at this point of time as the said charges are yet to be enquired into by the respondent himself and it is too premature for this Court to enter into the merits of the charges while considering a challenge made to the charge memo.

8. In the circumstances, this Court is of the considered view that it is not a fit case where charge memo itself can be quashed on whatever ground and it is for the petitioner to participate in the enquiry and substantiate his stand before the Enquiry Officer.

9. Accordingly, this writ petition is dismissed granting liberty to



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the petitioner to participate in the enquiry pursuant to the charge memo dated 03.09.2024 and defend himself. It is made clear that this Court has not expressed any opinion on the merits of the charges or otherwise. It is for the petitioner to defend himself and for the respondent to establish the charges in accordance with law. Since the impugned charge memo has been issued as early as on 03.09.2024, the same is pending for the past about two years, this Court deems it appropriate to direct the respondent herein to ensure that the entire enquiry and other proceedings pursuant to impugned charge memo be concluded as expeditiously as possible at any rate within a period of four months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

14.07.2026

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
CM

To,
1. The Director of Municipal Administration,
Chennai.



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MUMMINENI SUDHEER KUMAR,J

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