



WP(MD). No.25694 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 08/07/2026

CORAM

THE HON'BLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

WP(MD). No.25694 of 2025

M.Nagarajan

... Petitioner

Vs

1. The Additional Chief Secretary to Government,
Home (Tr.II) Department,
Secretariat,
Chennai.

2. The Transport Commissioner/
The Principal Secretary,
O/o.The Transport Commissioner,
Gunidy, Chennai..

3. The Joint Transport Commissioner,
O/othe Joint Transport Commissioner,
Madurai Region, Madurai,
Madurai District.

4. The Deputy Transport Commissioner,
O/o.The Deputy Transport Commissioner,
Tirunelveli,Tirunelveli District.

... Respondents



WP(MD). No.25694 of 2025

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the 1st respondent to take necessary action on the basis of petitioners representation dated 07.04.2025 with regard to reconsider the proposed punishment of the 1st respondent in cut of pension at the rate of Rs. 5,000/- per month for a period of 5 years within a time frame fixed by the Court.

For Petitioner : Mr.D.Anbarasu

For Respondents : Mrs.K.Porkodi
Government Pleader

ORDER

The petitioner, retired from service on 30.09.2024, having worked as Personal Assistant to Regional Transport Officer at Tirunelveli. While he was in service, he was subjected to disciplinary proceedings basing upon alleged misconduct said to have been committed by him during the period from 02.05.2010 to 26.08.2013 while he was working as Superintendent at Regional Transport Office, Tirunelveli, vide Charge memo dated 29.01.2018. The said disciplinary proceedings that were

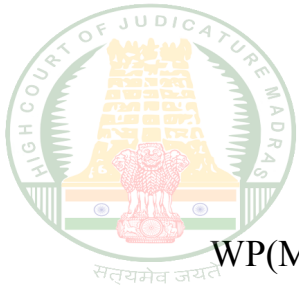


WP(MD). No.25694 of 2025

initiated on 29.01.2018 pertaining to an incident that took place prior to 2013, have not been concluded as on date.

2. Complaining delay in conclusion of the disciplinary proceedings, the petitioner has approached this Court by filing WP(MD)No. 18211 of 2024 seeking a direction to the respondents to pass final orders on the said charge memo dated 29.01.2018 and the said writ petition came to be disposed of by a Co-ordinate Bench of this Court vide order dated 01.08.2024 directing the respondents to conclude the disciplinary proceedings within a period of four weeks from the date of receipt of the copy of the said order. In spite of the said order passed by this Court, the respondents have not concluded the disciplinary proceedings within the time stipulated by this Court.

3. While so, as the petitioner was due for retirement and attaining the superannuation on 30.09.2024, the respondents have issued a proceedings in R.N. 20352 /Va 2/2025 dated 27.09.2024 placing the petitioner under suspension. Aggrieved by the said order dated 27.09.2024, the petitioner has approached this Court by filing



WP(MD). No.25694 of 2025

WP(MD)No. 23523 of 2024 and a Coordinate Bench of this Court instead of interfering with the suspension order once again directed the first respondent namely, the Principal Secretary/Transport Commissioner to pass final orders in the departmental proceedings within a period of four weeks from the date of receipt of explanation from the petitioner. The said order was passed as early as on 29.10.2024. In spite of the said order also, the respondents have not passed any final orders in the disciplinary proceedings that were initiated against the petitioner as early as in the year 2018.

4. While so, after a lapse of the time line prescribed by this Court on two occasions, the respondents have chosen to issue Show Cause Notice vide a letter No.50609/Tr-II/2020-8, dated 25.03.2025 proposing to impose a punishment of cut in pension at the rate of Rs.5000/- per month for five years and required the petitioner to offer his consent for the same. It was at that stage the petitioner submitted his reply on 07.04.2025 and 23.05.2025 objecting for the proposed punishment stating that the petitioner as a matter of fact has never worked as Superintendent during which period the alleged misconduct said to have



WP(MD). No.25694 of 2025

been committed by the petitioner.

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5. Even thereafter also, no orders have been passed by the respondents and hence, the petitioner has approached this Court by filing the present writ petition requesting for taking necessary action on the representation dated 07.04.2025 submitted by the petitioner and for passing final orders in the matter.

6. When the matter came up for admission, a Coordinate Bench of this Court having taken note of the fact that the respondents have failed to pass orders within the time line prescribed by this Court refrained the respondents from passing any orders vide interim order dated 04.11.2025. The said interim order is operating as on date.

7. In the light of the above, today when the matter is taken up for consideration, the learned counsel for the petitioner contended that the respondents, having failed to conclude the disciplinary proceedings within the time prescribed by this Court, are not entitled to continue the disciplinary proceedings and the same would lapse on expiry of the time



WP(MD). No.25694 of 2025

line prescribed by this Court. He further contends that in spite of this Court fixed time line on two occasions, the respondents failed to adhere to the same and therefore, they shall not be permitted to pass any orders in the matter. He also placed reliance on various orders passed by this Court.

8. This Court, having taken note of the decisions relied upon by the learned counsel for the petitioner in WP(MD)No.7643 of 2024 dated 17.06.2026 and WP(MD)No. 14255 of 2025 dated 16.03.2026, is thoroughly convinced that in the light of failure on the part of the respondents to conclude the disciplinary procedures by passing final orders within the time line prescribed by this Court, they are not entitled to continue the disciplinary proceedings thereby proceed to impose punishment on the petitioner. Taking into consideration the fact that the petitioner in the present writ petition has only sought for relief of passing consideration of his representation dated 07.04.2025 and for passing final orders in the matter, this Court is not inclined to declare that the disciplinary proceedings has lapsed in the present writ petition.



WP(MD). No.25694 of 2025

9. In the light of the above, this Court is inclined to grant liberty to the petitioner to submit an additional explanation raising objection with regard to the jurisdiction and authority of the respondents to continue the disciplinary proceedings beyond the time line prescribed by this Court and further to direct the respondents to consider the additional explanation to be sent by the petitioner while considering the representation dated 07.04.2025 submitted by the petitioner.

10. Accordingly, this writ petition is disposed of granting liberty to the petitioner to submit an additional explanation raising objection with regard to the authority of the respondents to continue the disciplinary proceedings after a lapse of the time line prescribed by this Court on two occasions. The said explanation shall be sent to the first respondent within a period of two weeks from the date of receipt of a copy of this order. On receipt of the explanation, the first respondent shall consider the same along with the earlier representation dated 07.04.2025 and pass appropriate orders in accordance with the law duly taking into consideration the orders dated 01.08.2024 passed in WP(MD)No. 18211 of 2024 and 29.10.2024 passed WP(MD)No. 23523 of 2024. The said



WP(MD). No.25694 of 2025

exercise shall be completed within a period of six weeks from the date of submission of explanation by the petitioner. No costs.

08.07.2026

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

TO

1. The Additional Chief Secretary to Government,
Home (Tr.II) Department,
Secretariat,
Chennai.

2. The Transport Commissioner/
The Principal Secretary,
O/o.The Transport Commissioner,
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WEB COPY



WP(MD). No.25694 of 2025

MUMMINENI SUDHEER KUMAR,J

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WP(MD) No.25694 of 2025

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