



WEB COPY



W.A.No.1955 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.11.2024

CORAM

**THE HON'BLE MR.JUSTICE R.SURESH KUMAR
AND
THE HON'BLE MR.JUSTICE C.SARAVANAN**

Writ Appeal No.1955 of 2024

1.The State of Tamil Nadu
Rep.by its Principal Secretary
Revenue Administration and Disaster
Management, Fort St.George,
Chennai - 600 009.

2.The Collector
Salem District.

... Appellants

-Vs-

S.Matheswaran

.... Respondent

Writ Appeal under Clause 15 of the Letters Patent against the order dated
30.01.2024 in W.P.No.6810 of 2023.

For Appellant : Mr.R.Neelakandan
Additional Advocate General
for Mrs.V.Yamuna Devi
Special Government Pleader

For Respondent : Mrs.Dakshayani Reddy
Senior Counsel for Ms.S.Suneetha



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J U D G M E N T

(Judgment of the Court delivered by **R.SURESH KUMAR, J.**)

This intra Court appeal has been directed against the order passed by the Writ Court dated 30.01.2024 in W.P.No.6810 of 2023.

2. Disciplinary proceedings were initiated against the respondent, framing charges under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules on 13.01.2018 for the alleged delinquencies, which had occurred during the period between 06.02.2014 and 09.08.2014. After four years, the charges were framed only on 13.01.2018. Thereafter, the delinquent had given a reply, based on which enquiry was conducted and in the enquiry, the charges were proved. Therefore, by issuing G.O.2D No.8, Revenue and Disaster Management Department Services Wing, Services 2(3) dated 09.01.2023, punishment of stoppage of increment for two years with cumulative effect has been imposed on the delinquent. Challenging the same, the writ petition has been filed.

3. In this regard, it is to be noted that challenging the charge memo dated 13.01.2018, in fact the delinquent has filed W.P.No.24897 of 2018, which came to be dismissed by the Writ Court. As against the order when a writ appeal



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in W.A.No.2119 of 2019 was filed, a Co-ordinate Bench of this Court, by order dated 18.07.2019 directed the disciplinary authority to complete the enquiry within a period of three months.

4. Despite the order having been passed on 18.07.2019 granting a maximum period of only three months to complete the disciplinary proceedings, the appellant Department took nearly about four years and completed the same by issuing the order of punishment only on 09.01.2023.

5. In this context, it is submitted by Mr.R.Neelakandan learned Additional Advocate General appearing for the appellant department that in view of COVID-19 situation, the enquiry could not be completed immediately and that was the reason for which there was a huge delay of nearly about four years in completing the disciplinary proceedings.

6. We are not impressed with the said submission of the learned Additional Advocate General for the reason that the order was passed by the Division Bench on 18.07.2019 and the COVID-19 situation had come on 25.03.2020. By the year 2021, the COVID-19 situation receded and normalcy was fully restored. However, only on 09.01.2023 the order imposing punishment was passed.



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7. It is further to be noted that during this long period, the appellant Department had not taken care of even filing any petition seeking extension of time from this Court, which had given a maximum time of three months only. Within that period, the enquiry ought to have been completed and disciplinary proceedings should have been concluded.

8. Therefore, the attitude of the appellant Department in prolonging the disciplinary proceedings for nearly about four years without any plausible reason will not in any way be acceptable under the legal scrutiny. Therefore, to that extent by citing various orders passed by the law Courts, the learned Judge through the impugned order was pleased to set aside the order of punishment dated 09.01.2023. That approach of the learned Judge and the conclusion reached by him cannot be said to be infirm one in view of the peculiar facts and circumstances of the case, where such inordinate delay has been caused by the appellant Department in completing the disciplinary proceedings despite the time given by the Division Bench that within three months the disciplinary proceedings should have to be completed.



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9. Therefore, we do not find any plausible reason to interfere with the order passed by the learned single Judge. The appeal fails, it is liable to be dismissed and accordingly it is dismissed. No costs.

(R.S.K.,J.) (C.S.N.,J.)
26.11.2024

NCS : Yes/No
Index : Yes/No
KST



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