



W.P.(MD).No.12831 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.06.2024

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THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.12831 of 2024
and WMP(MD) Nos.11400 & 11402 of 2024

V.Prince Rajendran Vijayakumar

... Petitioner

Vs

1. The Director of Municipal Administration,
75, Urban Administrative Building,
Santhome High Road, MRC Nagar,
Raja Annamalaipuram, Chennai - 25.
2. Thiru. Parthiban,
Regional Executive Engineer,
Office of the Regional Director of Municipal Administration,
Chengalpattu.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records in respect of the impugned charge memorandum, dated 18.07.2023 under proceedings of reference of the 1st respondent in Roc.No. 14763/ 2023/ V2 proposing to hold an enquiry under 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules and the consequential order, dated 20.10.2023 under the same reference appointing an enquiry officer issued by the 1st



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respondent and quash the same and consequently directing the respondent to consider the petitioner for appropriate promotions as and when he became due.

For Petitioner : Mr. S.Srikanth
for APN Law Associates

For Respondents : Mr.Lingadurai
Special Government Pleader

ORDER

Heard Mr.S.Srikanth, learned counsel appearing for the petitioner and Mr.M.Lingadurai, learned Special Government Pleader appearing for the respondents.

2.The petitioner has filed this writ petition challenging the impugned charge memorandum, dated 18.07.2023 of the 1st respondent in Roc.No. 14763/2023/V2 proposing to hold an enquiry under 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules and the consequential order, dated 20.10.2023 under the same reference appointing an enquiry officer issued by the 1st respondent and consequently to direct the respondent to consider the petitioner for appropriate promotions as and when he became due.

3.The petitioner has been issued with a charge memo, dated 18.07.2023 for certain allegations pertaining to the year 2013. The learned



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counsel for the petitioner submitted that the charges have been given to him after an inordinate delay of 10 years and the delay will frustrate the entire proceedings and hence, the charge memo is liable to be quashed.

4.No doubt, the inordinate delay involved in initiating disciplinary proceedings will steal away the valuable right of the petitioner in making effective defence. However, the petitioner seems to be in service and as against him based on the very same allegations, a criminal case has also been registered in the year 2015 itself and charge sheet filed and the case has been taken on file as Spl.C.C.No.1 of 2022. The delay appears to be probably because of a pending criminal case. However, that alone cannot be the reason for withholding disciplinary proceedings for a such a long time. Because the standard of proof required in disciplinary proceedings are only preponderance of evidence and not proof beyond reasonable doubts as required in criminal proceedings.

5.In view of the seriousness of charges and also the pending criminal proceedings on the very same set of allegations, I feel it is only



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appropriate to complete the contemplated disciplinary proceedings, if any within a period of two months, from the date of receipt of copy of this order.

6. With the above direction, this writ petition stands disposed of.

There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

18.06.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
PNM

To

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R.N.MANJULA, J.

PNM

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