



W.A.(MD)No.2565 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

and

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

W.A.(MD)No.2565 of 2024

and

C.M.P.(MD)No.18065 of 2024

I.Murugan

: Appellant

Vs.

1.The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Municipal Administration and
Water Supply Department,
Secretariat,
Chennai – 600 009.

2.The Director of Town Panchayat,
O/o. The Director of Town Panchayat,
MRC Nagar,
Chennai – 28.

: Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent,
praying to set aside the order dated 19.10.2024 in W.P.(MD)No.
26917 of 2023 and allow this Writ Appeal.



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For Appellant : Mr.H.Mohammed Imran

For Respondents : Mr.S.Shaji Bino

Special Government Pleader

JUDGMENT

[Judgment of the Court was delivered by **M.S.RAMESH, J.**]

The present Writ Appeal has been filed challenging the order passed by the learned Single Judge in W.P.(MD)No.26917 of 2023 dated 19.10.2024.

2.The two main grounds on which the appellant has challenged the order passed in the Writ Petition are that there is an inordinate delay on the part of the Department in framing the charges and the second ground is that when the appellant was placed under suspension and not permitted to retire, the authorities are not empowered to frame fresh charge memo for some other delinquency under Rule 17(b) of the Tamil Nadu Civil Servants (Disciplinary and Appeal) Rules, but rather, they should proceed only under the Tamil Nadu Pension Rules.

3.We are unable to countenance both the submissions of the learned Counsel for the appellant. Firstly, there appears to be some explanation for the delay. According to the respondents, there



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was a complaint against the appellant herein in the year 2015, pursuant to which, an enquiry was being conducted by the Department of Vigilance and Anti-Corruption [DVAC]. When the appellant had reached the age of superannuation, the enquiry was pending, which had prompted the Department to place him under suspension and did not permit him to retire. In the year 2022, the DVAC had filed their report, based on which, charges have been framed. When there is a reasonable explanation available for the delay, it cannot be construed that there were laches on the part of the Department in framing the charges.

4. Insofar as the second ground is concerned, admittedly, when the appellant had reached the age of superannuation, he was not permitted to retire from service, since disciplinary action was contemplated against him. If that be so, the appellant is deemed to have continued in service when the second charge memo was framed. If that be so, there cannot be any procedural irregularities in framing charges under Section 17(b) of the Tamil Nadu Civil Servants (Disciplinary and Appeal) Rules, for some other delinquency. Thus, the claim of the appellant that he should be proceeded under the Pension Rules, has no legs to stand on.

5. It is in consideration of all these aspects, the learned Single Judge had also rightly rejected the challenge to the charge



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memo. We do not find any other ground to interfere with the order of the learned Single Judge.

6.Accordingly, this Writ Appeal stands dismissed. However, since the appellant had reached the age of superannuation way back in the year 2019 itself, the authority shall expedite the conduct of the enquiry and take a final decision as expeditiously as possible, in any event within a period of three [3] months from the date of receipt of a copy of this order. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

[M.S.R.,J.] & [A.D.M.C.,J.]

17.12.2024

Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

MR



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To

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M.S.RAMESH, J.
and
A.D.MARIA CLETE, J.

MR

JUDGMENT MADE IN
W.A.(MD)No.2565 of 2024

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