



W.P.No.10942 of 2016

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2025

CORAM

THE HONOURABLE MR. JUSTICE K.SURENDER

W.P.No.10942 of 2016

and

W.M.P.No.9531 of 2016

K.Chandrasekar Rao

... Petitioner

Vs.

1. State of Tamiul Nadu
Represented by Secretary to Government,
Industries Department,
Fort St. George,
Chennai-600 009.
2. The Tamil Nadu Cements Corporation Ltd.,
Represented by its Managing Director
No.735, Anna Salai,
Chennai-600 002.
3. C.Kamaraj,
The Managing Director,
The Tamil Nadu Cements Corporation,
No.735, Anna Salai,
Chennai-600 002.
4. Senior Manager (P & A)
The Tamil Nadu Cements Corporation,
No.735, Anna Salai,
Chennai-2.

... Respondents



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Prayer : Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorari, calling for records of the 4th respondent comprised in charge memo dated 17.03.2016 in Ref:3266/A1/2016, quash the same as arbitrary, illegal and unconstitutional, vitiated by malafides and thus render justice.

For Petitioner : Mr.S.Ramesh

For Respondent : Mr.V.Nanmaran AGP

For Respondent Nos.2 to 4 : Mr.A.Sivaji

ORDER

This writ petition is filed challenging the records of the 4th respondent comprised in charge memo dated 17.03.2016 in Ref:3266/A1/2016.

2. The petitioner was issued charge memo by the 4th respondent in this writ petition, who is the P&A Chief. Even according to the petitioner, there is no dispute regarding the procedure that was followed and it is in accordance with the rules of TANCEM.

3. However, the only ground raised by the learned counsel for the petitioner is that the charge memo was issued 14 days prior to the



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superannuation of the petitioner and there was no condition of continuing any disciplinary proceedings against the petitioner thereafter. The learned counsel submits that, since the competent authorities have granted permission for the petitioner to retire without imposing any conditions related to disciplinary proceedings, there exists no legal basis to initiate or continue any charges or disciplinary action against the petitioner.

4. The learned counsel for the petitioner relied upon the judgement of the learned Division Bench of Madras High Court in the case of **P.Muthusamy vs. Tamil Nadu Cements Corporation Ltd. (2006) 4M.L.J. 504** and the relevant paragraph reads as follows:

“In view of the admitted factual position that there is no specific enabling provision in the TANCEM Service Rules and of the legal position as referred to above, we hold that the order of the first respondent, reserving the right to continue the disciplinary proceedings after superannuation, is illegal and without jurisdiction. We also take note of the claim made in W.P.No.18953 of 2003 that though the Charge Memo was issued on 15.05.2001 and reply containing explanation therefore was sent on



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30.06.2001, there was acute sluggishness on the part of the authority, for, the notice of enquiry was issued only on 27.06.2003, mentioning the enquiry date as 30.06.2003, the date on which the petitioner attained superannuation as per Rules.

Consequently, we hold that the petitioner is entitled to all the terminal benefits and the same has to be disbursed to him within a period of 30 days from the date of receipt of a copy of this order.”

5. The Hon'ble Division Bench held that there was no provision in TANCEM service rules reserving any right to continue the disciplinary proceedings after superannuation.

6. Learned counsel for the respondents have filed their counter affidavit. He would further submit that TANCEM has permitted the petitioner to retire and whatever orders are passed by this Court, TANCEM would abide by it.

7. Recording the said submissions and also following the judgement of the Hon'ble Division Bench, the charge memo issued to the petitioner by order dated 17.03.2016 is hereby quashed. It is needless to state that all



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the retirement benefits that accrue to the petitioner shall be paid to him by TANCEM within a period of three months from the date of receipt of a copy of this order.

8. Accordingly, the writ petition stands **allowed**. No costs.
Consequently, the connected miscellaneous petition is also closed.

(sha)
Index : Yes
Speaking Order
Neutral Citation : Yes

27.10.2025

To

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K.SURENDER. J.,

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