



W.P.Nos.23645 and 23646 of 2011
and M.P.Nos.1, 2, 1 and 2 of 2011

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.Nos.23645 and 23646 of 2011
and M.P.Nos.1, 2, 1 and 2 of 2011
and W.M.P.Nos.8075 and 6328 of 2016

G.Madhaiyan

... Petitioner in both petitions

Vs.

1. The State of Tamilnadu,
Rep. by Secretary to Government,
Forest Department,
Fort St.George, Chennai - 600 009.

2.The Commissioner for Disciplinary Proceedings,
5/1842-A, Trichy Road,
Market Committee Complex,
Coimbatore - 45.

3.The Deputy Superintendent of Police,
Vigilance and Anti-Corruption,
Special Cell,
Salem.

... Respondents in both petitions



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Common Prayer : Writ Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings of the second respondent in T.D.P.Case Nos.109 and 108 of 2008 dated 15.10.2009 quash the same.

In both petitions :

For Petitioner : Mr.V.Selvaraj
For Respondents : Mr.P.Kumaresan
Additional Advocate General
Assisted by Mr.S.Rajesh
Government Advocate

COMMON ORDER

The issue that arises for consideration in both the writ petitions is one and the same and as such both the matters are heard together and are being disposed of by this common order.

2. The brief facts that are relevant for disposal of these writ petitions are as under:



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2.1. The petitioner herein, who was working as Forest Range Officer, was subjected to disciplinary proceedings by placing him before the Tribunal for disciplinary proceedings in TDP Case Nos.108 of 2008 and 109 of 2008. The charges that were levelled against the petitioner are for acquiring assets in the name of his wife and children, without taking prior approval from the competent authority and in not intimating the same. The value of the assets alleged for having acquired by the petitioner in the name of his wife and children is Rs.11,99,705/-.

2.2. During the pendency of the proceedings before the Tribunal for disciplinary proceedings [hereinafter referred as "TDP"], the petitioner approached this Court by filing W.P.Nos.25737 and 25738 of 2009, seeking a Writ of Mandamus directing the TDP to conduct and conclude the enquiry in TDP Case Nos.108 of 2008 and 109 of 2008 against the petitioner and to submit the enquiry report to the Government and further to direct the Government and the Principal Chief Conservator of Forests to finalise the said proceedings.



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2.3. The said writ petitions were filed in the context of the pendency of the claim of the petitioner for promotion for the post of Assistant Conservator of Forests. Both the above writ petitions were disposed of by a co-ordinate bench of this Court by an order dated 13.08.2010, directing the TDP to conduct and conclude the enquiry in both the cases and to submit the entire report to the Government within a period of five months and the Government and the Principal Chief Conservator of Forests were directed to finalise and pass orders thereon, within a further period of one month after submission of the report by the TDP. It was thereafter, the petitioner participated in the enquiry before the TDP. However, the TDP could not conclude the enquiry and submit its report within the time stipulated by this Court in terms of the order dated 13.08.2010 referred to above in both the proceedings.

2.4. Under those circumstances, the petitioner once again approached this Court by filing the present writ petitions seeking to quash the notices issued by the TDP proposing requiring the petitioner to



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WEB COPY appear to continue the enquiry beyond the time stipulated by this Court.

2.5. This Court, while entertaining both the writ petitions, granted interim stay of all further proceedings by an order dated 04.11.2011. The said interim stay is operating as on date. The respondents have filed a stay vacate petition on 29.02.2024.

2.6. The respondents filed counter affidavit contending that the petitioner himself responsible for the delay in conclusion of the proceedings before the TDP and also stating that the respondents have filed an appropriate application seeking extension of time for conclusion of enquiry and for submission of report. However, the said application does not appears to have been pursued by the respondents, as admittedly as on date, no extension of time is granted by this Court.

3. The main ground on which these writ petitions have been filed is that the respondents lack authority to continue the TDP proceedings beyond the time stipulated by this Court, unless and until



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WEB COPY they seek extension of time by filing appropriate application in the respective writ petitions.

4. In the light of the above, the only issue that arise for consideration before this Court is whether the respondents are entitled to continue the disciplinary proceedings against the petitioner beyond the time stipulated by this Court without seeking extension of time by filing appropriate application or not ?

5. Heard Mr.V.Selvaraj, learned counsel appearing for the petitioner and Mr.P.Kumaresan, learned Additional Advocate General, assisted by Mr.S.Rajesh, learned Government Advocate for the respondents.

6. The learned counsel for the petitioner placed reliance on various decisions of this Court as well as the Hon'ble Apex Court. However, in the light of the recent decision of the Hon'ble Apex Court in the case of *State of Uttar Pradesh vs Ram Prakash Singh* reported in



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2025 SCC Online SC 891, this Court does not intend to refer to all such decisions. In the above said decision, the Hon'ble Apex Court held as under :

"62. While affirming the aforesaid view of the Full Bench, we would like to provide clarification on certain points not touched by such bench. First, in view of unseen institutional hurdles that can slow down swift action, it may not always be possible for the disciplinary authority in each such case where a fixed time has been stipulated by a tribunal/court to conclude the proceedings to apply and seek extension of time before expiry of such time although there can be no gainsaying that applying and obtaining an extension before expiry is eminently desirable. In exceptional cases, even after expiry of the stipulated time, such an application can be moved; and, depending on the cause shown for inability or failure to conclude the proceedings within the time stipulated and also for not applying for extension before expiry, the tribunal/court may, in its discretion, allow or reject the prayer for extension. If the application is rejected, the proceedings cannot be carried forward unless a superior court, reversing the order of rejection, permits the disciplinary authority to so proceed. Secondly, if the delinquent employee objects to



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WEB COPY *continuation of proceedings beyond the time stipulated, the disciplinary authority without proceeding further ought to apply for extension of time and may not go ahead till such time its prayer for extension is granted on such application. Proceeding despite objection and without there being an extension could give rise to apprehensions of bias. Therefore, applying for extension upon halting the proceedings awaiting order on the application would be an advisable course of action to balance the interests of both the employer and the employee. Thirdly, even if the delinquent employee has not objected to continuation of proceedings beyond the time stipulated by the tribunal/court but before the final order is passed in the proceedings, the disciplinary authority would be bound to seek and obtain extension of time. This is for the simple reason that the sanctity of the orders of tribunals/courts cannot be disrespected by errant parties. The dignity of the judicial process would be seriously eroded and there would be nothing left of the rule of law if orders of tribunals/courts, validly made, are disobeyed and the disobedience is encouraged by being indulgent. Finally, we hasten to add that if a tribunal/court stipulates a fixed time by which an enquiry or proceedings for disciplinary action ought to be concluded coupled with a rider that, in default, the*



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63. *We also hold that continuation of disciplinary proceedings beyond the time stipulated by a tribunal/court could invite interdiction if no bona fide attempt is shown to have been made to seek an extension of time. However, much would depend on the facts of each case and it may not be possible to lay down a common formula applicable to each case. In an exceptional case, the tribunal/court would have the discretion to overlook the laxity and make such direction as it deems fit in the circumstances.*

64. *The answer to the fourth issue, in view of our discussion, has to be in favour of the respondent and against the appellant. **Without an extension of time, no order of punishment could have been validly made and the grievance of the respondent in this behalf is absolutely legitimate.***"

7. In the light of the above law laid down by the Hon'ble Apex Court, it is clear that in case if delinquent employee objects to continuation of proceedings beyond the time stipulated by this Court, the



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WEB COPY disciplinary authority without proceeding further ought to apply for extension of time and may not go ahead till such time its prayer for extension is granted on such application filed by the employer. It is also held that any proceedings continued despite of objection and without there being an extension could give rise to apprehensions of bias.

8. In the instant case, though an application is stated to have been filed in one of the writ petitions, admittedly no such application was finally got numbered and pursued by the respondents as on date. Further, these matters are also coming up for consideration before this Court for the past quite some time and inspite of the same also, the respondents did not take any steps to seek extension of time as on date. In terms of the law laid down by the Hon'ble Apex Court in the decision referred to above the continuation of the disciplinary proceedings beyond the time stipulated by this Court could invite interdiction if no bonafide attempt is shown to have been made to seek extension of time. However, it was made clear that, each case depend upon the facts and circumstances of the said case. The Hon'ble Apex Court also has not ruled out the

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consideration for extension of time in exceptional cases by overlooking the laxity and pass appropriate orders in the facts and circumstances of the case.

9. In the light of the above, it is evident that though an application was filed seeking extension of time, absolutely no efforts are made to pursue the same even after lapse of more than 14 years since the date of filing of such application, especially, in the context of filing of these two writ petitions by the petitioner and grant of interim stay by this Court. Atleast when the petitioner filed these two writ petitions seeking to quash the disciplinary proceedings pending before TDP, the respondents ought to have taken immediate steps for pursuing the application filed seeking extension of time or atleast ought to have filed appropriate stay vacate petition before this Court and sought for consideration of both the matters together. But for the reasons best known, the respondents filed stay vacate petition in these two matters only in the year 2024 i.e. lapse of 13 years since the date of granting of interim stay by this Court. However, the respondents failed to pursue



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WEB COPY these two vacate petitions that were filed in the year 2024 also. Thus, there is any amount of negligence or carelessness on the part of the respondents in pursuing the legal matters and thereby giving scope to the petitioner herein to get away from the misconduct with impunity. This Court also has carefully and sense of responsibility examined the possibility of allowing the disciplinary proceedings to go on by granting extension of time.

10. But in the facts and circumstances of the case, this Court is of the considered view that this is not a fit case where the respondents should be allowed to continue the disciplinary proceedings for the following reasons. The petitioner has already attained the age of superannuation as early as on 29.02.2012 i.e. about more than 13 years ago. Now the petitioner is aged about 72 years. Admittedly by the date of granting of interim stay of TDP proceeding by this Court on 04.11.2011, the evidence on behalf of the delinquent is due to be adduced. In case if the disciplinary proceedings are allowed to continue at this length of time, it may not be possible for the petitioner, who is



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aged about 72 years, to speak about the incidents or facts that took place as early as during the years 2004 - 2006 i.e. the period during which the petitioner was alleged to have acquired the assets in the name of his wife and children.

11. In the light of the above and taking into consideration, the decision of the Hon'ble Apex Court, this Court is of the considered view that this is not a fit case where the respondents should be shown any indulgence to allow them to continue the disciplinary proceedings any longer against the petitioner. This Court also took note of the fact that the petitioner has also chosen to withdraw W.P.No.27001 of 2011 today, which was filed challenging the punishment of stoppage of the increments without cumulative effect and also seeking consequential promotion to the post of Assistant Conservator of Forests to put a quietus to litigation. This Court also took a conscious notice of the fact that in the light of the delay caused by the respondents in concluding the proceedings before TDP after having placed the petitioner on defence, the petitioner himself approached this Court by filing W.P.Nos.25737



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WEB COPY and 25738 of 2009 and got time fixed for conclusion of the proceedings.

The petitioner was deprived of promotion to the post of Assistant Conservator of Forests on the ground of the pendency of the said proceedings before TDP. In spite of the best efforts made by the petitioner to have a conclusion to the disciplinary proceedings, the respondents failed to conclude the same within a time stipulated by this Court. In case if the said proceedings are allowed to take place at this length of time, the same would cause great prejudice to the petitioner. Hence, this Court is of the considered view that this is not a case, where the discretion of this Court can be exercised to permit continuation of disciplinary proceedings any further. In the light of the above, this Court is unhesitant to conclude that the respondents lack authority to continue of the disciplinary proceedings and accordingly, the disciplinary proceedings that are pending against the petitioner in TDP Case Nos.108 and 109 of 2008 is hereby quashed.

12. As the petitioner has already attained the age of superannuation, the respondents 2 and 3 are directed to settle the terminal



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benefits of the petitioner as well as the arrears of the pension etc. as expeditiously as possible, at any rate, within a period of three (3) months from the date of receipt of a copy of this order.

13. Before parting these cases, this Court is of considered view that it would be appropriate to make an observation about the conduct of the officers who are responsible for not seeking extension of time at the appropriate stage and at the relevant point of time and their failure to pursue the same. It is only because of the carelessness and negligence on the part of the officials concerned, the disciplinary proceedings that were initiated against the petitioner are quashed by this Court. So also, the respondents after having come to know about the interim stay obtained by the petitioner in these two writ petitions as early as on 04.11.2011, they also failed in pursuing the matter and to take steps for vacating the said interim stay to enable them to conduct and conclude the proceedings. But for active collusion on the part of the officers concerned, the petitioner would not have enjoyed the interim stay granted by this Court for this long time. In the light of the above, the respondents



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are granted liberty to take appropriate disciplinary proceedings against the officials concerned for the negligence and carelessness in this regard.

14. In the result, both these Writ Petitions are allowed as indicated above. No costs. Consequently, connected Miscellaneous Petitions are closed.

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(2/2)

Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
mtl



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