



W.P.Nos. 5275 & 5281 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated : 09.04.2025

CORAM:

THE HONOURABLE MR JUSTICE C.V. KARTHIKEYAN

W.P.Nos. 5275 & 5281 of 2025

and

W.M.P. Nos.5846, 5847, 5854 and 5855 of 2025

W.P. No.5275 of 2025

R. Murugesan

... Petitioner

VS

1. The Secretary to Government,
Rural Development Department and Panchayat
Raj Department
Fort St. George,
Chennai 600 009.

2. The District Collector,
Nagapattinam District,
Nagapattinam

...Respondents

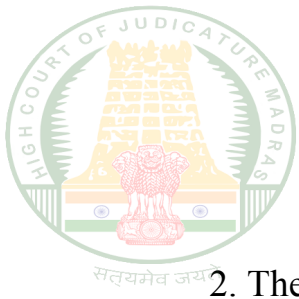
W.P. No.5281 of 2025

R. Murugesan

... Petitioner

VS

1. The Secretary to Government,
Rural Development Department and Panchayat
Raj Department
Fort St. George, Chennai 600 009.



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2. The District Collector,
Mayiladuthurai District,
Mayiladuthurai

...Respondents

Prayer in W.P. No.5275 of 2025 : Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of certiorarified Mandamus or any other appropriate writ or order or direction in the nature of Writ calling for the records of the 2nd respondent in connection with the impugned charge memo issued by him in Na.Ka.No.827/2019/0o.va.1., dated .04.2023 (signed on 05.05.2023) and to quash the same and to direct the respondents to grant all consequential service and monetary benefits.

Prayer in W.P. No.5281 of 2025 : Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of certiorarified Mandamus or any other appropriate writ or order or direction in the nature of Writ calling for the records of the 2nd respondent in connection with the impugned charge memo issued by him in Na.Ka.No. 1212//0o.va.1/2022 dated 24.04.2023 and to quash the same and to direct the respondents to grant all consequential service and monetary benefits.

In both the Writ Petitions

For Petitioner	: Mr.S. Sivakumar
For Respondents	: Mr. S. Yashwanth Additional Government Pleader



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COMMON ORDER

The same Writ Petitioner had filed both the writ petitions and the learned counsel advanced arguments in common. In view of these facts, a common order is passed in both the Writ Petitions.

2. The petitioner R. Murugesan had entered into service as Junior Assistant in the Rural Development and Panchayat Raj Department and was selected through the Tamil Nadu Public Service Commission on 04.03.1993 and promoted as Assistant in the year 1998 and as Deputy Block Development Officer in the year 2008. He was further promoted as Block Development Officer in the year 2010 and as Assistant Director in the year 2017. When serving as a Block Development Officer at Nagapattinam Panchayat Union during the year 2013, he claimed that he had executed/implemented various Central Government and State Government Schemes including Indira Awaas Yojana Scheme. However, several allegations had been levelled against the President of the Village Panchayat.



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WEB COPY 3. The Vigilance and Anti Corruption Department has registered a

case in Crime No.2/2019. After investigation the Vigilance and Anti Corruption Department forwarded a report to the Department recommending initiation of departmental action against the officials including the petitioner. Thereafter, the second respondent, the District Collector, Nagapattinam, had issued a Charge Memo, which was signed on 05.05.2023 with respect to the issues raised in W.P. No.5275 of 2025 and signed on 24.04.2023 with respect to the issues raised in W.P. No.5281/2025, both under Rule 17(b) of the Tamil Nadu Civil Servants (Discipline & Appeal) Rules against the petitioner and against five others in W.P.No.5275/2025 and nine others in W.P. No.5281/2025. The petitioner was directed to submit his explanations. The petitioner had forwarded his explanation on 06.06.2023 with respect to the charge memo relating to W.P. No.5275/2025 and on 20.06.2023 with respect to the charge memo relating to W.P. No.5281/2025. However, the second respondent was not satisfied with the explanation and had appointed the Project Director as Enquiry Officer relating to the Charge Memo in W.P. No.5275/2025 and the Executive Engineer (RD&PR), Mayiladuthurai, as Enquiry Officer with respect to the issues in W.P.No.5281/2025. Notices



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had been issued to the petitioner herein to appear and participate in the enquiry.

4. The petitioner claims that the second respondent had given an outer time limit of 60 days to conclude the enquiry. It had been stated that, however, the Enquiry Officer failed to keep up with that time limit. The petitioner has, therefore, filed W.P. Nos. 16453 and 16451 of 2024 and both the writ petitions came to be disposed of on 24.06.2024 with a direction to proceed further with the enquiry and complete the disciplinary proceedings and pass final orders within a period of three months from the date of receipt of a copy of that particular order. It had been stated that the petitioner gave a representation on 24.07.2024 seeking the departmental proceedings to be completed in accordance with the directions issued in the said writ petitions. It had been further stated that the Enquiry Officer conducted the enquiry in both the cases and the petitioner claims that he had cooperated with the enquiry. It had been stated that, however, there was an inordinate delay in concluding the departmental proceedings. It is under those circumstances, the present writ petitions have been filed seeking to quash the charge memo



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on the ground that the same had not been completed within the time stipulated.

5. The learned counsel for the petitioner placed reliance on the observations in the Judgment of a Division Bench of this Court reported in **2010 (3) MLJ 625 (State of Tamil Nadu, represented by its Secretary to Government, Personnel and Administrative Reforms (Q) Department, Chennai and another vs. T. Ranganathan)**. In that particular case, the Division Bench had held as follows:

"23. We are conscious of the fact that if there is non-cooperation of the delinquent officer to comply with the time limit fixed by the Court/Tribunal to complete the enquiry and pass final orders in disciplinary proceedings, the Department cannot be blamed. In such contingency it is for the Department to point out the non-cooperation on the part of the delinquent officer in finalising the proceeding and the hardships faced by the Department in not strictly adhering to the time schedule due to the fault of the delinquent officer or for any valid reason and get appropriate orders seeking extension of time. At this juncture, it is relevant to



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point out that even if the time granted originally to complete the enquiry is over, nothing prevented the Department from filing appropriate application after expiry of the time. It is now well settled in law that application seeking extension of time can be filed and the Court are having inherent powers to grant further time, even though the original time granted got expired, based on the principles of invoking inherent powers to meet the ends of justice. In this case, there is no whisper about the non-cooperation of the petitioner in conducting the enquiry and completing the enquiry within the time. Hence the Department is bound to comply with the directions issued by the Tribunal in O.A.No.1535 of 2003."

Probably based on the conclusion reached by the Division Bench, the present Writ Petitions have also been filed seeking to quash the charge memo. This Court had sought for details as to the flow of the enquiry process to determine as to why there was a delay on the part of the Enquiry Officer in completing the enquiry. Remarks had been forwarded on behalf of the respondents. Additionally, a counter affidavit had also been filed by the second respondent/District Collector, Nagapattinam.



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6. In the counter in W.P. NO.5275/2025 it had been stated that the

Enquiry Officer and the District Administration were keen in implementing new schemes sustainable for the rural poor by organising them in community based organisation, providing financial assistance and offering skilled training frequently with focus on women and vulnerable groups. It was also stated that they were also involved in the expansion of morning breakfast scheme which was created for students in Tamil Nadu. It had been stated that there was some delay in completing the enquiry, but, however, the enquiry had been completed and a detailed report had been forwarded to the Commissioner of Rural Development and Panchayat Raj at Chennai for onward transmission to the first respondent on 21.02.2025. It had been therefore stated that since the enquiry had been completed, the petitioner may be directed to participate in any further proceedings as determined.

7. With respect to the averments in W.P. No.5281/2025 is concerned, in the written instructions it had been stated that initially the Project Director (RD&PR), Mayiladuthurai, has been appointed as Enquiry Officer, but, subsequently, due to administration reasons, the Executive Engineer, Rural Development, Office of the Joint Director of



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Rural Development, Mayiladuthurai District, was appointed as an Enquiry Officer by proceedings of the second respondent dated 24.01.2024. It had been stated that the Enquiry Officer went on medical leave frequently owing to ill health which resulted in the delay of submission of the enquiry report. It had been further stated that, but, however, the enquiry report had been submitted on 24.02.2025 and the same had been forwarded to the Commissioner, Rural Development Panchayat Raj at Chennai on 04.04.2025.

8. The learned Additional Government Pleader stated that the enquiry had been completed and that therefore, the petitioner may be directed to participate in the further proceedings.

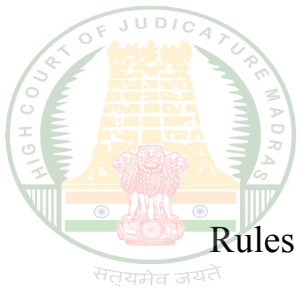
9. I have carefully considered the arguments advanced by either side counsels. The petitioner who was initially appointed as Junior Assistant in the Rural Development Panchayat Raj Department on 04.03.1993, moved up the ladder and came to be promoted as Block Development Officer in the year 2010 and as Assistant Director in the year 2017. While he was functioning as Block Development Officer at Nagapattinam Panchayat in the year 2013, in discharge of his duties,



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various allegations have been levelled against him and also against the Presidents of the Village Panchayats. This had necessitated the Vigilance and Anti Corruption Department to initiate necessary action and as a matter of fact, FIR in Crime No.2/2019 had been filed implicating the petitioner also as an accused and finally a report had been forwarded that departmental action should be initiated against the petitioner. The second respondent, the competent authority to initiate such process, had examined the entire issue and issued a charge memo to the petitioner in both the writ petitions. It is only be appropriate to examine the charge memo in a little more detail. In W.P. No. 5275/2025, the first charge was that owing to the acts of commission and omission of the petitioner and the other co-delinquents, there was a loss of Rs.4,71,899/- in the execution of the Prime Minister Awaas Yojana Scheme. Under the second charge the amount was Rs.8,51,002/-. Under the third charge the amount was Rs.40,575/-. Under the fourth charge, the amount was Rs.4,84,686/- and under the fifth charge it had been stated that the petitioner and the co delinquents had permitted six beneficiaries to join their houses and build just three houses and it has been specifically stated that on receipt of bribe amounts the petitioner had permitted such constructions. The sixth charge was under Rule 20(1)(i) of the conduct

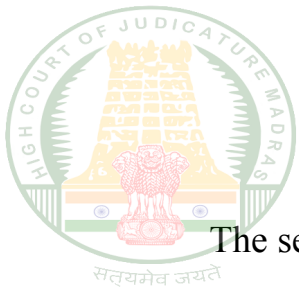


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Rules that he had misconducted himself in his official duties. The list of beneficiaries with respect to each charge had been given and a rough glance at the list of beneficiaries would show that 43 beneficiaries had been mentioned with respect to the charge memo issued with respect to W.P. No.5275/2025. The documents which the department wanted to rely on had also been given. With respect to the charge memo in W.P. No.5281/2025, there were totally six charges and under the first charge it was stated that there was a loss of revenue of Rs.4,71,899/- and with respect to the second charge, a loss of Rs.8,51,002/- and with respect to the third charge, a loss of Rs.40,575/- and with respect to the fourth charge, a loss of Rs.4,84,686/-. Again it had been stated that the beneficiaries were permitted to construct the houses by joining each together. The final charge was with respect to the misconduct under Rule 20(1)(i) of Rules. Again a list of beneficiaries had been given and documents relied on had been given.

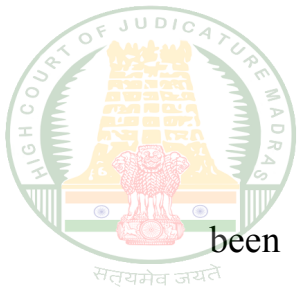
10. The second respondent after issuing a charge memo and determining the enquiry officer, had fixed a time limit of 60 days for completion of the enquiry. The said period is arbitrary. There are no rules which stipulates that the enquiry must be completed within 60 days.



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The second respondent could have fixed 500 days, could have fixed 1000 days, even could have called upon the enquiry officer to complete the enquiry within a period of 10 days. There is no rationale in determining such a time limit. Naturally the enquiry could not be completed within the time limit stipulated. The Writ Petitioner himself had filed two Writ Petitions on an earlier occasion and a learned Single Judge, by an order dated 24.06.2024, had stated that the enquiry should be concluded within a period of three months from the date of receipt of a copy of that particular order. It is now seen from the records that the enquiry had actually been completed with respect to the issues in W.P. No.5275/2025 on 13.12.2024 and with respect to the issues in W.P. No.5281/2025 on 24.03.2025. The enquiry report had also been forwarded to the appropriate authorities for further action.

11. The learned counsel insisted that even though the enquiry had been completed, since it had been completed with delay, the charge memo itself should be quashed by this Court. In this regard, the learned counsel had placed reliance on the Division Bench judgment of this Court reported in **2010 3 MLJ 625** referred supra. The facts of that particular case show that initially, the departmental proceedings had



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been initiated on 25.06.2001. Thereafter, the matter proceeded right

from 2002 and subsequent years. Finally, W.P. No.714/ 05 was filed by

the petitioner therein stating that though the departmental proceedings

had been initiated since there has been no effective progress, he should

be considered for promotion to the post of the under Secretary to

Government in the panel list which was prepared on 13.10.2004. In the

year 2005 in W.P. No.853/2005, the writ petitioner challenged the charge

memo dated 25.06.2001 among the other grounds on the ground of delay

and it had been contended that in the year 2003 a direction had been

issued to complete the proceedings within a period of four months. As

against the orders passed in the Writ Petition which was filed in the year

2005, Writ Appeals were filed in the 2008-2009. It is thus seen nearly

about 7-8 years had passed from the time when the departmental

proceedings initially commenced. That particular delay had touched upon

the mind of the Division Bench and in those circumstances when the

delay had run to years and years, the Division Bench had issued a

direction as stated above. Even while stipulating the necessity to

complete the enquiry within a time period determined by a Court, the

Division Bench had also stated that if there is non cooperation of the

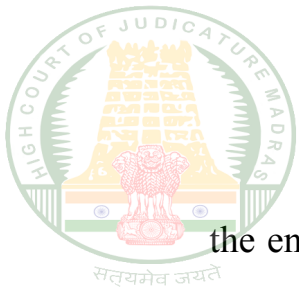
delinquent officer to comply with the time limit determined the



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department cannot be blamed. It had also been stated that the hardship faced by the department in non adhering to the time schedule would be a valid reason for seeking extension of time. Primarily it has been stated that an application should have been filed seeking extension of time.

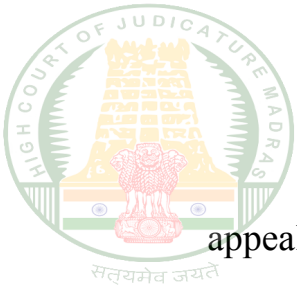
12. In both the writ petitions, two separate enquiry officers had been appointed and the instruction was that two separate reasons had been given as to why the enquiry officers could not complete the enquiry proceedings within the time stipulated. It must be stated that, however, they had completed the departmental enquiry not in years thereafter but within a few months thereafter. In W.P. No.5275/2025, the enquiry officer had been appointed as an election officer in the Panchayat bye election which had been held on April 2024. He had to attend the election duties. It is trite to point out that whenever a public servant is called upon to discharge election duties, he/she can never claim exemption from discharging such duties. It is mandatory. That particular reason is an acceptable reason. With respect to the enquiry officer in W.P.No.5281/2025, it is seen that the enquiry officer went on medical leave which caused delay in the submission of the enquiry report. The delay was not in the conclusion of the enquiry, but in the submission of



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the enquiry report. It is also seen that in both the cases quite apart from the petitioner therein a stream of other delinquents had also faced departmental proceedings. It was not just a simplicitor one charge and one witness and findings to be written on the evidence of that particular witness. Since the beneficiaries ran into numbers and the charges were also serious and there was also loss to the Government, necessarily application of mind will have to be made by the enquiry officer while conducting the enquiry process. It is no doubt true that applications had not been filed seeking extension of time. The earlier Writ Petition had also been filed by the Writ Petitioner seeking conclusion of the departmental proceedings. The Writ petitioner cannot wriggle out on that technical ground. Now that the enquiry had been completed, and orders are to be passed by the appropriate authority on the basis of findings given by the enquiry officer, it would not be prudent on the part of this Court to interfere at this stage particularly when the enquiry had been concluded and the final report had been submitted.

13. The issue of delay or any prejudice caused to owing to the delay can be raised as an appeal if at all the petitioner is found guilty of any of the charge and the petitioner is placed under obligation to file an



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appeal. At this stage, I am not inclined to interfere with the impugned charge memos in these writ petitions.

14. In the result, both the Writ Petitions stand dismissed. No costs.

WMP Nos. 5846 and 5854 of 2025 which were filed to dispense with the production of the original impugned charge memos, stand allowed.

Consequently connected miscellaneous petitions are closed.

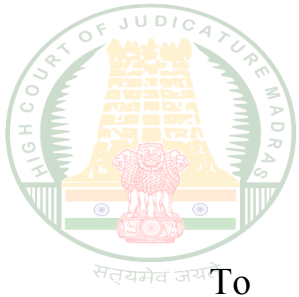
09.04.2025

Internet : Yes / No

Index: Yes / No

Speaking order / Non speaking order

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To
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1. The Secretary to Government,
Rural Development Department and Panchayat
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