



W.P.No.20372 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2025

CORAM

THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

W.P.No.20372 of 2016

and WMP.Nos.17491/2016 & 9407/2018

N.Soundara Rajan

...Petitioner

Vs.

1.The Principal Secretary/
Revenue Executive Commissioner
Chepauk, Chennai 600 005.

2.The District Collector
Kanchipuram District
Kanchipuram.

3.The Tahsildar
Chengalpattu Taluk
Chengalpattu
Kanchipuram District.

...Respondents

Prayer: This Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the entire records of the second respondent pertaining to the proceedings under Na.Ka.No.3840/2015/A3/28.05.2016 pending on the file of the 2nd respondent and to quash the same.



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For Petitioner : Mr.M.Prababar

For Respondents : Dr.S.Suriya
Additional Government Pleader

ORDER

The challenge in this writ petition is to the charge memo dated 28.05.2016 issued by the first respondent. In the said charge memo, it is alleged that the petitioner, along with others, was involved in the fraudulent transfer of patta by receiving gratification. The charges were framed under Rule 9(2)(b) of the Tamil Nadu Pension Rules, 1978.

2. Mr.C.Umashankar, learned counsel for the petitioner, submitted that the alleged fraudulent transfer of patta pertains to an event dated 07.05.2012, whereas the charge memo was issued only on 28.05.2016. Therefore, the impugned charge memo lacks statutory authority and, in any event, could not have been issued without obtaining prior sanction of the Government, as mandated under Rule 9(2)(b) of the Tamil Nadu Pension Rules, 1978.

3. Per contra, Dr.S.Suriya, learned State Counsel appearing for the respondents, submitted that the disciplinary proceedings were initiated pursuant



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to directions issued by this Court and that the charge memo was issued strictly in conformity with Rule 9(2)(b) of the Tamil Nadu Pension Rules, 1978.

According to him, the challenge to the impugned charge memo is devoid of merit and the writ petition is liable to be dismissed.

4. The submissions made by the learned counsel on either side and the materials placed on record have been carefully considered.

5. The alleged fraudulent transfer of patta is stated to have taken place on 07.05.2012. The petitioner was permitted to retire from service on attaining the age of superannuation on 31.05.2012.

6. In the counter affidavit filed by the first respondent, it is stated that the charges were framed not only on the basis of the report of the Tahsildar dated 14.07.2015, but also on the basis of other connected documents relating to the case.

7. On the above premise, the learned State Counsel contended that the charge memo was issued within four years from the date of submission of the Tahsildar's report and examination of other relevant materials. Rule 9 of the Tamil Nadu Pension Rules deals with the right of the competent authority to



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withhold or withdraw pension. Rule 9(2)(b) specifically stipulates that a departmental enquiry shall not be instituted without the prior sanction of the Government in respect of a person who belongs to State service, and that such enquiry shall not be initiated in respect of an event which took place more than four years prior to the institution of such proceedings.

8. Admittedly, in the present case, no prior sanction of the State Government was obtained before initiating the departmental enquiry, despite the petitioner having already retired from service as on the date of issuance of the charge memo. Further, the alleged event occurred on 07.05.2012, whereas the charge memo was issued on 28.05.2016, i.e., beyond the prescribed period of four years. Therefore, the charge memo issued under Rule 9(2)(b) of the Tamil Nadu Pension Rules, 1978, lacks statutory authority. In the absence of such authority, initiation of disciplinary proceedings against the petitioner is impermissible in law.

9. In view of the above, the continuation of the impugned proceedings is without jurisdiction and is liable to be quashed.



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10. Accordingly, the writ petition is allowed. The impugned charge memo in Na.Ka.No.3840/2015/A dated 28.05.2016 is hereby set aside. Consequently, the connected Miscellaneous Petitions are closed. There shall be no order as to costs.

15.12.2025
(2/2)

Index : Yes/No
Speaking order : Yes/No
dna

To

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