IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2025

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THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

W.P.No.20545 of 2016
and WMP.Nos.17648/2016 & 36466/2017

S.Venkatesan ...Petitioner

Vs.

1.The Collector
Kancheepuram District
Kancheepuram.

2.Secretary to Government of Tamil Nadu
Revenue Department
Fort Saint George,
Chennai 600 009.

3.Commissioner of Revenue Administration
Chepauk, Chennai 600 005. ...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 pertaining to issuance of memorandum of charges dated 28.05.2016 in Na.Ka.No.3840/2015/A passed by the 1st respondent viz. the Collector, Kancheepuram District and quash the same.

For Petitioner : Mr.C.Umashankar

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 fraudulently transferring patta in favour of certain persons by receiving illegal 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 patta alleged to have been fraudulently transferred pertains to the year 07.05.2012, whereas the charge memo was issued only on 28.05.2016. Therefore, the impugned charge memo lacks statutory authority and 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. In response, Dr.S.Suriya, learned State Counsel appearing for the respondents, submitted that the disciplinary enquiry was initiated pursuant 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. It was therefore contended that the challenge to the impugned charge memo is devoid of merits and liable to be dismissed.

4. The arguments advanced by the learned counsel on either side and the materials placed on record have been duly 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 31.03.2013.

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 submitted by the Tahsildar dated 14.07.2015, but also on the basis of other connected documents relating to the case.

7. The learned State Counsel contended that the charge memo was issued within four years from the date of the Tahsildar's report and examination of other relevant documents. Rule 9 of the Tamil Nadu Pension Rules, 1978, deals with the right of the competent authority to withhold or withdraw pension. Rule 9(2)(b) thereof stipulates that a departmental enquiry shall not be instituted without the sanction of the Government in respect of a person belonging to State service and shall not be initiated in respect of an event which took place more than four years prior to such institution.

8. Admittedly, prior sanction of the State Government was not obtained before initiating the departmental enquiry, as the petitioner had already retired from service as on the date of issuance of the charge memo. Further, the alleged event is stated to have occurred on 07.05.2012, whereas the charge memo was issued on 28.05.2016, i.e., beyond four years from the date of the alleged event. 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, issuance of the charge memo against the petitioner is impermissible in law.

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

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

15.12.2025
(1/2)

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

To

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HEMANT CHANDANGOUDAR.J.,

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