



WEB COPY



W.P.No.7167 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.7167 of 2022

and

WMP.No.7193 of 2022

N.V.Thayumanavar,

... Petitioner

Vs.

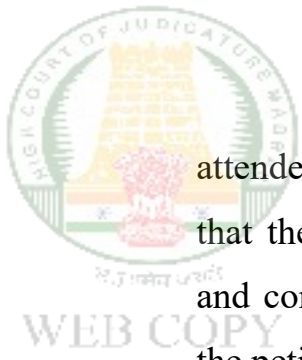
1.The State of Tamil Nadu,
Rep. by its Secretary to the Government,
Labour Welfare and Skill Department (E1) Department,
Secretariat, Fort St. George,
Chennai - 600009.

2.The Commissioner of Labour
DMS Campus DMS Subway,
Anna Salai, Teynampet,
Chennai – 06.

3.Tamil Nadu Public Service Commission,
Rep. by its Secretary,
TNPSC Road,
Chennai -03.

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, calling for the impugned proceeding of the 1st Respondent vide G.O. (D)No. 437 Labour Welfare and Skill Development (E1) Department dated 02.11.2021 and quash the same and consequently direct the Respondents to grant notional promotion to the Petitioner on par with his junior Madhan Mohan with all



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attended benefits along with an interest of 12% per annum and also direct that the suspension period from 28.05.2014 to 24.11.2016 be regularized and consequently direct the respondents to disburse all other benefits that the petitioner is entitled to.

For Petitioner : Mr.Naveen Kumar Murthi

For Respondents : Mr.P.Ananda Kumar, Govt. Advocate
for R.1 & R.2.

: Mr.B.Vijay, Standing Counsel
for R.3.

ORDER

Challenging the order passed by the 1st respondent dated 02.11.2021 in G.O. (D)No. 437 Labour Welfare and Skill Development (E1) Department and to consequently direct the respondents to grant notional promotion to the petitioner on par with his junior with all attendant benefits with interest, the petitioner is before this Court.

2. The factual matrix upon which this Writ Petition is preferred is hereinbelow set out.

(a) The petitioner's contention is that he had joined the services of the 1st respondent Department as a Labour Officer on 21.05.1985 and was promoted to the post of Assistant Commissioner in the year 1990. Subsequently, he was promoted to the post of Deputy Commissioner.



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(b) While the petitioner was working as a Deputy Commissioner of Labour in Salem Region, he had disbursed compensation amounts to several claimants under the Workmen Compensation Act, 1923 who had sustained major disability on account of accidents that had occurred in the course of their employment. The petitioner had discharged his duties with utmost sincerity and dedication.

(c) While so, it was claimed that while working as the Deputy Commission of Labour in Salem, the petitioner had disbursed a compensation amount of Rs.1,72,591/- to some claimants without identifying them correctly and created incorrect documents. Apart from the above, there were few other charges raised and criminal case also came to be initiated against the petitioner. Consequently, the petitioner was suspended from service on 28.05.2014. Challenging the criminal case, the petitioner had filed a petition under Section 482 Cr.PC before this Court to quash the charge sheet filed against him.

(d) This Court after elaborately considering the matter in Crl.OP.No.17327 of 2014, by order dated 30.03.2015, allowed the Criminal Original Petition and quashed the charge sheet. Thereafter, on 06.05.2015, the petitioner had submitted a representation to revoke his suspension and settle all the terminal benefits as he had attained the age of superannuation

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in the interregnum on 31.05.2014. However, the same was not considered constraining the petitioner to file WP.No.8550 of 2016 to revoke the order of suspension and to settle the terminal benefits and confer all consequential benefits including promotion. This Court by order dated 08.03.2016 revoked the petitioner's suspension and he was permitted to retire. However, to his utter shock and surprise he was issued with charge memo on 29.06.2016.

(e) The charge memo has been issued 12 years after the alleged incident and that too after the petitioner had been acquitted in the criminal case. Challenging the said charge memo, the petitioner had filed WP.No.26226 of 2016. This Court by order dated 14.09.2017 directed the disciplinary proceedings to be proceeded with and the enquiry to be completed at the earliest. As per the direction, the petitioner had also participated in the enquiry and had submitted material evidence to proof his innocence. The petitioner had sufficient documents to show that the charges levelled against him was false and cooked up one. Though the enquiry had concluded on 29.05.2018, final orders were not passed for a long time.

(f) Therefore, once again, the petitioner had approached this Court by filing WP.No.3171 of 2019. This Court by order dated 01.02.2019 directed the respondents to consider the representation of the petitioner and pass

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orders within a period of 6 weeks. Thereafter, without giving sufficient opportunity to the petitioner to put forth his case, the enquiry officer had submitted his findings on 20.09.2019. The 1st respondent by letter dated 16.12.2019 directed the petitioner to submit his further explanation within 15 days from the date of receipt of the said letter. Such explanation has also been offered by the petitioner by his letter dated 13.01.2020 and 20.11.2020.

(g) Ultimately, 1st respondent by order dated 02.11.2021 after adopting the findings of the enquiry officer and without paying any heed to the petitioner's defence held that the charges 1, 2, 4, 5 and 6 were proved and charge 3 was held as not proved and imposed a punishment of pension cut of Rs.5,000/- per month for a period of 3 years. Challenging the said order, the petitioner is before this Court on the ground that the claimant whose amounts have been disbursed to some third party has not given any complaint. In fact, none of the claimants have given any complaints and the basis upon which the enquiry has been initiated is vague. Further, the order impugned is a non speaking one and a reading of the same does not reflect the reasoning behind the order. The disciplinary proceedings has been initiated well after a period of 12 years of the alleged occurrence that too after the petitioner was acquitted in the criminal case.



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3. A counter affidavit has been filed by the respondents 1 and 2 reiterating the factual details set out supra. It is their contention that the charge against the petitioner was quashed by this Court only on account of procedural lapses. A reading of the counter does not provide any details about the source or the genesis for initiating proceedings against the petitioner. However, the respondents sought to have the Writ Petition dismissed.

4. Heard the learned counsels on either side and perused the records.

5. Admittedly, the allegation in the charge memo pertains to the period of July 2004 to June 2005. However, an FIR was registered only on 14.05.2007 and the complainant himself is the investigating officer, Inspector of Police, namely, Mr.K.Rangasami. The source report based upon which the criminal as well as disciplinary proceedings have been initiated against the petitioner has not been set out and reference to the complaint is only the complaint which has been registered as the FIR. The criminal proceedings were the subject matter of a quash petition filed under Section 482 before this Court in CrI.OP.No.17327 of 2014. Even in CrI.OP.No.17327 of 2014, the basis on which the investigation has been initiated and the FIR has been registered has not been explained and since there was no material available to implicate the petitioner, the proceedings

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against the petitioner were quashed by this Court on 30.03.2015.

Thereafter, on 06.05.2015, the petitioner had submitted a representation to revoke his suspension and settle all the terminal benefits as he had attained the age of superannuation in the interregnum on 31.05.2014. However, the same was not considered constraining the petitioner to file WP.No.8550 of 2016 to revoke the order of suspension and to settle the terminal benefits and confer all consequential benefits including promotion. This Court by order dated 08.03.2016 had revoked the petitioner's suspension and permitted the petitioner to retire. Thereafter, on 17.05.2016, nearly 1 year after the order passed in Crl.OP.No.17327 of 2014 quashing the criminal proceedings against the petitioner and 12 years after the alleged incident, the charge memo dated 29.06.2016 was issued to the petitioner. Ultimately, 1st respondent by the impugned order dated 02.11.2021 after adopting the findings of the enquiry officer and without paying any heed to the petitioner's defence imposed a punishment of pension cut of Rs.5,000/- per month for a period of 3 years.

6. A mere perusal of the records would clearly demonstrate that there is no material to show the source or the genesis for initiating proceedings against the petitioner. Admittedly, none of the claimants have raised any complaint against the petitioner claiming that they have not received the compensation amount.



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7. Therefore, considering the fact that the disciplinary proceeding has been initiated against the petitioner with an inordinate delay and without any explanation that too after this Court had acquitted the petitioner in the criminal proceedings and also taking note of the fact that there is no material available to implicate the petitioner, the impugned punishment order passed by the 1st respondent dated 02.11.2021 cannot be sustained and is liable to be set aside. Accordingly, the impugned order passed by the 1st respondent dated 02.11.2021 is set aside. The respondents are directed to grant notional promotion to the petitioner on par with his junior Madhan Mohan with all attendant benefits along with an interest of at rate of 10% per annum. The respondents are further directed to regularise the period of suspension of the petitioner from 28.05.2014 to 24.11.2016 and disburse all other benefits to which the petitioner is entitled. No costs. Consequently, connected miscellaneous petition is closed.

09.12.2025

(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No



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