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W.P.No.7940 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2025

CORAM

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.P.No.7940 of 2025
and W.M.P.No.8916 of 2025

A.Senthil Baskar

... Petitioner

Vs.

1.The Government of Tamil Nadu

Rep by The Principal Secretary

to Government of Tamil Nadu,

Municipal Administration and Water Supply Department,

Secretariat, Fort St. George,

Chennai – 600 009.

2.The Director of Municipal Administration,

11th floor, Urban Administrative Building,

No 75, Santhome High Road,

M.R.C Nagar, Raja Annamalaipuram,

Chennai – 600 028.

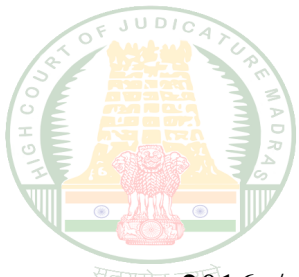
3.The Commissioner,

Coimbatore Municipal Corporation,

Coimbatore – 641 001.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Certiorarified Mandamus, calling for the records
relating to the Charge Memo issued by the 2nd Respondent in Roc No.16858 /



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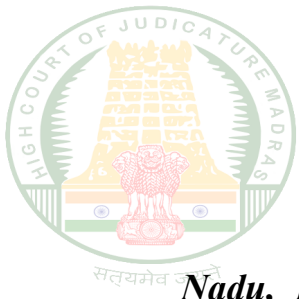
2016 / VI, dated 25.06.2021, and quash the same as illegal and give all service and monetary benefits to the petitioner.

For Petitioner : Mr.Durai Gunasekaran
For R1 and R2 : Mr.C.Selvaraj
Additional Government Pleader
For R3 : Mr.N.Umapathi

ORDER

The instant writ petition has been filed with a prayer for issuing a Certiorarified Mandamus, calling for the records relating to the Charge Memo issued by the 2nd Respondent in R.O.C.No.16858 / 2016 / VI, dated 25.06.2021 and quash the same as illegal and give all service and monetary benefits to the petitioner.

2. The only ground urged by the petitioner is that there was a long lapse of delay from the alleged delinquency till the issuance of the charge memorandum. It is the further submission of the petitioner that the charge memorandum is vague and do not give any material particulars. In support of his submission, the learned counsel for the petitioner relied upon the learned Single Judge order of this Court in ***B.Vimala vs. The Government of Tamil***



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Nadu, Rep. by the Principal Secretary to Government of Tamil Nadu
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(W.P.No.24386 of 2023, dated 09.02.2024).

3. Per contra, the learned counsel appearing for the 3rd respondent would vehemently contend that the charge memorandum is not only issued for the delinquency dated 15.03.2017, it was issued for all the delinquencies of the petitioner from 15.03.2017 to till date. Therefore, the question of delay does not come into play. Apart from that, it is the further submission of the 3rd respondent that interference of the charge memorandum is only limited whenever charge memorandum was not issued by the Competent Authority or the same is issued with *mala fide* intention. Hence, prayed to dismiss the present writ petition.

4. I have given my anxious consideration to the submissions made on either side.

5. While looking at the submissions of the petitioner, the main ground urged by the petitioner is there was a delay in issuance of charge memorandum from the date of delinquency. In this connection, the learned



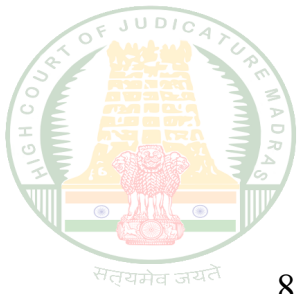
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counsel would submit the charge memorandum imputes an allegation in respect of an occurrence that had taken place on 15.03.2017, whereas it was issued on 25.06.2021. However, if we look at the charge memorandum with forensic insight, the imputation is not only on 15.03.2017, but from 15.03.2017 to till date.

6. While looking at the submission of the petitioner, the petitioner served in the central zone between 15.03.2017 to 24.08.2019 and 18.11.2019 to 05.10.2020. Therefore, though the charge memorandum refers about the delinquency of the year 2017, it proceeds upto 2020. The learned counsel relied upon the order of learned Single Judge in W.P.No.24386 of 2023 quashing of charge memorandum on account of delay. While looking at the above judgment, the delinquency was between 11.08.2014 and 13.01.2016, whereas the charge memorandum was issued on 28.06.2021. Therefore, the said precedent will not applicable to the present facts of the case, in the case in hand the delinquency is from 2017 to 2020.

7. In such view of the matter, this Court do not find any merits in the writ petition. In the result, the Writ Petition is dismissed.



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8. However, taking into consideration of pendency of charge memorandum since 2021, this Court would like to direct the 3rd respondent to conclude the disciplinary proceedings on it's own merits and in accordance with law, within a period of four months from the date of receipt of copy of this order. No costs. Consequently, the connected writ miscellaneous petition is closed.

12.06.2025

Index : Yes/No
Speaking Order / Non-Speaking Order
Neutral Citation : Yes/No
dm

To

- 1.The Principal Secretary to Government of Tamil Nadu,
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Municipal Administration and Water Supply Department,
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Chennai – 600 009.
- 2.The Director of Municipal Administration,
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C.KUMARAPPAN, J.

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