



WEB COPY

WP No. 13752 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-04-2025

CORAM

THE HONOURABLE MR JUSTICE C.V. KARTHIKEYAN

WP No. 13752 of 2025

and

WMP NO. 15446 OF 2025

1. K. Saravanakumar
Deputy Commissioner,
Thoothukudi City Municipal Corporation,
Thoothukudi

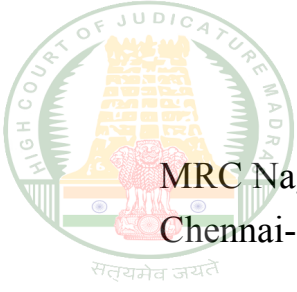
Petitioner(s)

Vs

1. The Director
Directorate of Municipal Administration,
75, Urban Administrative Building,
Santhome High Road, MRC Nagar,
Raja Annamalaipuram,
Chennai-600 028

2.The Commissioner
Erode City Municipal Corporation,
Erode

3.C.Vijayakumar
The Additional Director of Municipal Administration
No.75, Urban Administrative Building,
Santhome High Road,



MRC Nagar, Raja Annamalaipuram,
Chennai-600 028

WEB 4.S.Parijatham

Joint Director (Corporations),
Directorate of Municipal Administration,
75, Urban Administrative Building,
Santhome High Road, MRC Nagar,
Raja Annamalaipuram,
Chennai-600 028

5.S.Rajamani
Junior Engineer,
Erode City Municipal Corporation,
Erode

Respondent(s)

PRAYER

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records relating to the impugned charge memo dated 07.03.2025 in Na.Ka.No.2612/2025/C1-1 passed by the 1st respondent and quash the same

For Petitioner(s): N. Ponraj

For Respondent(s): Mr.T.Seenivasan, SGP for R1
Mr.M.Rajarathinam,
Standing Counsel



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ORDER

This Writ Petition has been filed in the nature of a Certiorari seeking records relating a charge memo dated 07.03.2025 passed by the 1st respondent and to quash the same.

2.In the affidavit filed in support of the writ petition, it had been contended that the petitioner had been appointed as Municipal Commissioner in the year 2009 and is working as Deputy Commissioner of Tuticorin Corporation. He claimed that he had maintained absolute honesty and integrity during his service and had taken sincere efforts to remove encroachment and generate municipal income by making municipal shop for public auction and recovering the arrears.

3.Even before proceeding further with examining the further aspect stated in the affidavit, the learned Special Government Pleader had pointed out that these statements of honesty proclaimed by the petitioner will have to be



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examined with askance by the Court, since it is contended that while the petitioner was working at Nagarcoil Corporation there was irregularity found with respect to execution of 77 works by the Department of Vigilance and Anti-corruption. Thereafter, it had also been further contended that he had caused revenue loss of Rs.72,93,000/- for which Disciplinary Proceedings had been initiated under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, 1955.

4. Thereafter, the petitioner had moved on to Thanjavur, wherein again, when inspection was conducted and files were perused relating to grant of lease, licenses and collection of property tax, it was found that there were irregularities, leading to loss of about Rs.29/- Crores in Thanjavur Corporation. Once again charges had been issued under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, 1955. But further, in Erode for irregular appointment yet another charge memo had been issued, which is the subject matter of the present writ petition.

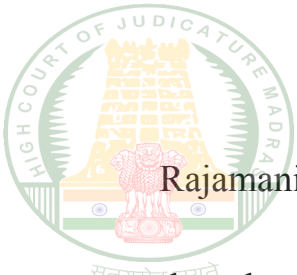


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5. In Thanjavur, the Government had granted permission for enquiry to be conducted by the Vigilance and Anti-corruption Department in four separate cases. It is also seen that there is yet another matter which is pending before the Madurai Bench with respect to creation of bogus bill for Rs.10/- Crores which were passed and payment had been made to a bio-mining contractor without actually doing any work in Thanjavur Corporation.

6. These facts had only been narrated to show that the claim of the petitioner that he was maintaining absolute honesty and integrity and had removed encroachment and generated income, will have to be examined and re-examined by the Court.

7. The learned Senior Counsel pointed out that in two of the writ petitions, stay had been granted by the Court. But still the fact that charges have been issued earlier is a compelling factor to examine the facts stated in the present writ petition. It is also contended by the learned Senior Counsel that the crux of the charge is that the petitioner had granted promotion to the 5th respondent



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Rajamani, Junior Engineer, Erode City Municipal Corporation. It is contended

that the said individual had earlier filed the writ petition and there was a direction to examine the representation given and to also issue a fresh show cause notice and pass orders. It is contended that thereafter, the promotion was given not by the petitioner, but by yet another official and therefore, the petitioner was not directly involved in grant of promotion to the 5th respondent.

The petitioner had also impleaded in his personal capacity the Additional Director of Municipal Administration and Joint Director (Corporations), Directorate of Municipal Administration, Chennai and had raised allegation that there was malafide intention by them against the petitioner herein.

8.All these aspects could be stated by the petitioner in his reply to the charge memo. The petitioner cannot seek the charge memo to be set aside particularly when, the respondents have a right to examine the present allegation in conjunction with the earlier allegations raised against the petitioner in which the matters are pending before the Court.



9. I would not interfere at this stage with the charge memo issued against the petitioner. The petitioner has an option to either give his explanation or not to give his explanation, but the respondents will have to move further with the charge memo already issued to the petitioner. The petitioner may also state that he was not directly responsible for grant of promotion to the 5th respondent. That is a fact which can be examined only on the basis of the records and not merely on the statements made by the petitioner.

10. In view of the above observations, this Writ Petition stands dismissed giving an option to the petitioner to reply to the charge memo. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

17-04-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To



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WEB COPY

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C.V.KARTHIKEYAN, J.

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