



WEB COPY

W.A.No.689 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE **R.SUBRAMANIAN**
AND
THE HONOURABLE MR.JUSTICE **G. ARUL MURUGAN**

W.A.No. 689 of 2025
and CMP No.5707 of 2025

1. The Additional Chief Secretary
to the Government of Tamil Nadu,
Municipal Administration and
Water Supply Department,
Secretariat, Chennai 600 009.

2. The Director of Municipal Administration,
No.75, Santhome High Road,
Raja Annamalaipuram, Chennai 600 028.

...Appellants

Vs.

P. Kubendran

...Respondent

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, to set aside
the order passed in WP No.11937 of 2022 dated 12.01.2023.

For Appellant : Mr.C.Selvaraj
Additional Government Pleader



WEB COPY

W.A.No.689 of 2



For Respondent : Mr.P.K. Ganesh

J U D G M E N T

*(Judgment of the Court was delivered by **R.SUBRAMANIAN, J.**)*

We see no merit in the Appeal. The Writ Court has quashed the impugned charge memo on the ground that a charge which was originally issued under Rule 17(a) of the Tamil Nadu Civil Services (Discipline & Appeal) Rules, 1955 has been altered as one under Rule 17(b) after a lapse of nearly 13 years.

2. The respondent, who was working as Assistant Commissioner, was charge sheeted for certain delinquencies which happened in the year 2001. The initial charge memo was issued on 29.08.2009 under Rule 17(a) of the Tamil Nadu Civil Services (Discipline & Appeal) Rules, 1955. The respondent also submitted his explanation. There were no further proceedings. However, when the respondent made a representation on 21.01.2022 seeking promotion, he was visited with a memorandum of



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charges containing the same charges, as were issued on 29.08.2009 except that the charges this time were under Rule 17(b) of the Tamil Nadu Civil Services (Discipline & Appeal) Rules, 1955 which is meant for the imposition of major punishment.

3. The Writ Court had quashed the charge memo on the ground of delay as well as on the ground that charges made under 17(a) of the Tamil Nadu Civil Services (Discipline & Appeal) Rules, 1955 cannot be converted into charges under 17(b). The Writ Court has also relied upon the judgment of the Hon'ble Supreme Court in *P.V.Mahadevan vs. Managing Director, Tamil Nadu Housing Board*, reported in *2005 (6) SCC 636*, wherein the inordinate delay in completing the disciplinary proceedings would be a ground to quash the disciplinary proceedings. It is also found that the respondent has already retired from service.

4. The facts are not in dispute. This court and the Hon'ble Supreme Court have time and again reiterated the need for completing Disciplinary proceedings within a reasonable time. Launching of disciplinary proceedings when the employee is due for retirement has also been deprecated. Hence,

3/5



we see no reason to interfere with the order of the Writ Court, the Writ

Appeal fails and it is accordingly dismissed. There shall be no order as to

costs. Consequently, the connected miscellaneous petition is closed.

(R.SUBRAMANIAN, J.) (G. ARUL MURUGAN, J.)

10.03.2025

jv

Index : No
Neutral Citation : No
Speaking order

To

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WEB COPY

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