



WEB COPY

W.A.No.2147 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE R.SAKTHIVEL

W.A.No.2147 of 2022

and CMP.No.16008 of 2022

1.The Principal Secretary to Government,
Revenue and Disaster Management Department,
Service Wing, Service 2(1) Section,
Fort St. George, Chennai-9

2.The Sub-Collector,
Thiruvallur,
Thiruvallur District

... Appellants

Vs.

M.D.Krishnamurthy

... Respondent

PRAYER: Appeal is filed under Clause 15 of the Letters Patent, praying to
set aside the order dated 01.10.2021 made in W.P.No.30753 of 2018.



W.A.No.2147 of 2022

For Appellants : Mr.UM.Ravi Chandran
State Government Pleader

For Respondent : Mr.R.Dhinesh Kumar

JUDGMENT

(Judgment of this Court was delivered by M.S.RAMESH.J)

This Writ Appeal has been filed to set aside the order dated 01.10.2021 made in W.P.No.30753 of 2018.

2. For the delinquency that arose in the year 2006, charges came to be framed against the respondent herein on 08.02.2011. The respondent herein was due to retire on 31.08.2012. However, the disciplinary proceedings did not conclude by then. After a long delay of about seven years, the proceedings concluded and the punishment of dismissal from



W.A.No.2147 of 2022

service was imposed on 05.10.2018.

WEB COPY

3. The learned State Government Pleader appearing for the appellants submitted that the charges against the respondent herein are very serious in nature, and since due opportunity was extended to him by the Enquiry Officer and the proceedings were also conducted in a fair and proper manner, the learned Single Judge ought not to have interfered with the order of punishment.

4. The learned counsel for the respondent submitted that there is an inordinate delay in initiating the disciplinary proceedings, as well as conclusion of the same, and in view of the law laid down by the Constitutional Courts, holding such delay to be fatal against the Management, he sought for dismissal of the Writ Appeal.



W.A.No.2147 of 2022

5. Admittedly, the delinquency recorded against the respondent herein had occurred in the year 2006. When the respondent was due to retire on 31.08.2012, the charges came to be framed on 08.02.2011, after lapse of about five years. No reasonable explanation has been given as to why the appellants had waited over six years to frame the charges, more particularly, when the respondent was due to retire on 31.08.2012. This apart, there is no explanation as to why the disciplinary proceedings continued for more than 7 ½ years. It is not the case of the appellants that such a delay in concluding the proceedings was due to the delinquent officer.

6. In G.O.(Ms).111, Human Resources Management (N) Department, dated 11.10.2021, the Government had ordered that, in order to avoid suspension on the date of retirement, a decision should be taken in the disciplinary proceedings well in advance, at least three months prior to the date of retirement. The Government Order further stipulates that any



W.A.No.2147 of 2022

failure on the part of the Disciplinary Authority to issue such final orders

within the said period would warrant initiation of severe action against the officials responsible for dragging the proceedings up to the date of retirement of the Government servant.

7.The Hon'ble Supreme Court, as well as this Court has repeatedly expressed concern over delays on the part of the Disciplinary Authorities in framing charges, as well as in concluding disciplinary proceedings within a reasonable period. In the case of *State of Madhya Pradesh vs. Bam Singh and another*, reported in [1990 (Supp) SCC 738], the Supreme Court had come down heavily against the laches on the part of the employer in conducting departmental enquiry and after finding out that there was no satisfactory explanation for the inordinate delay, held that it would be unfair to order departmental enquiry to proceed further.

8.In the case of State of *Andhra Pradesh vs. N.Radhakrishnan*,



W.A.No.2147 of 2022

reported in [1998 (4) SCC 154], the Supreme Court, at Paragraph 19, held

as follows:

“Normally, disciplinary proceedings should be allowed to take its course as per relevant rules but then delay defeats justice. Delay causes prejudice to the charged officer unless it can be shown that he is to blame for the delay or when there is proper explanation for the delay in conducting disciplinary proceedings. Ultimately, the Court is to balance these two diverse considerations.”

9. In ***Union of India vs. CAT***, reported in [2005 (2) CTC 169 (DB)], this Court held as follows:

“The delay remains totally unexplained. Therefore, we have no hesitation at all in concluding that the ground of inordinate delay in proceeding with the departmental enquiry as referred to above by us, would come in the way of the Govt., to continue with the enquiry any further.....”



W.A.No.2147 of 2022

10. In ***P.V.Mahadevan vs. M.D.Tamil Nadu Housing Board,***

reported in 2005 (4) CTC 403, this Court after referring to various decisions, held as follows:

“The protracted disciplinary enquiry against a government employee should, therefore be avoided not only in the interest of the government employee but in public interest and also in the interests of inspiring confidence in the minds of the government employees. At this stage, it is necessary to draw the curtain and to put an end to the enquiry. The appellant had already suffered enough and more on account of the disciplinary proceedings. As a matter of fact, the mental agony and sufferings of the appellant due to the protracted disciplinary proceedings would be much more than the punishment. For the mistakes committed by department in the procedure for initiating the disciplinary proceedings, the appellant should not be made to suffer.

15. We therefore, have no hesitation to quash the charge issued against the appellant. The appeal is allowed. The appellant will be entitled to all the retiral benefits in



W.A.No.2147 of 2022

*accordance with law. The retiral benefits shall be
disbursed within three months from this date. No cost.”*

WEB COPY

11. In the case of ***Special Commissioner and Commissioner of Commercial Taxes, Chepauk vs. N.Sivasamy***, reported in [2005 (5) CTC 451, the Division Bench of this Court held as follows:

“Though the alleged lapse occurred in the year 1995 and certain charges related to the period 1993-94, the charge memo was issued on 15.07.1997 and served on 23.07.1997, just 7 days before the date of retirement. The contention of the appellant that only with a view to cause hardship, agony and anguish, the charge memo was issued cannot be ignored. We have already pointed out that though the applicant failed Original Application No.6284/97, challenging the charge memo, dated 15.07.1997, admittedly, no stay was granted. Despite the above fact that the department had not proceeded with the disciplinary proceedings, there is an inordinate and unexplained delay on the part of the department.



WEB COPY



W.A.No.2147 of 2022

According to the applicant, he is 67 years of age as on the date and had rendered 38 years of service in the department. He had undergone sufferings from mental worry, agony, anguish and hardship for all these years. We are satisfied that there is no need to pursue the charge memo, dated 15.07.1997.”

12. In yet another decision in ***R.Tirupathy and others vs. the District Collector, Madurai District and others***, reported in [2006 (2) CTC 574], this Court was pleased to quash the charge memo, dated 02.02.2005 on the ground that the charges relate to purchase of uniforms during the year 1994-95 and 1995-96 and the inordinate delay on the part of the department in issuing a charge memo was not properly explained.

13. The Supreme Court in ***M.V.Bijlani vs. Union of India and other***, reported in [2006 (5) SCC 88], quashed the order of removal from service,



W.A.No.2147 of 2022

confirmed by the appellate authority on various grounds particularly, on the ground that initiation of disciplinary proceedings after six years and continuance thereof, for a period of seven years prejudiced the delinquent officer.

14. In *M.Elangovan vs. The Trichy District Central Co-operative Bank Ltd.*, reported in [2006 (2) CTC 635], this Court, while quashing the second show cause notice on the ground of inordinate and unexplained delay in initiating and completing the disciplinary proceedings, allowed the Writ Petitions holding that the petitioners therein were entitled to all the benefits in accordance with law. The same view has been expressed by this Court in yet another decision in *Parameswaran vs. State of Tamil Nadu*, reported in [2006 (1) CTC 476].

15. In the light of all the foregoing decisions and in the absence of any explanation as to why the Disciplinary Authority had waited for over



W.A.No.2147 of 2022

six years to frame the charges and another seven years to conclude the same, we do not find any reasons to interfere with the orders of the Writ Court.

16. Accordingly, this Writ Appeal stands dismissed. No Costs.

Consequently, connected miscellaneous petition is closed.

17. In view of the dismissal of the appeal, the appellants shall pass appropriate orders, retiring the respondent herein from services with effect from 31.08.2012 and disburse the retirement benefits, including the pensionary benefits, at least within a period of eight (8) weeks from the date of receipt of a copy of this order.

[M.S.R., J] [R.S.V.,J]

04.11.2025

Index: Yes/No

Speaking/Non-speaking order



W.A.No.2147 of 2022

Neutral Citation: Yes/No

Anu

WEB COPY

M.S.RAMESH, J.
and
R.SAKTHIVEL, J.

Anu



WEB COPY



W.A.No.2147 of 2022

W.A.No.2147 of 2022
and CMP.No.16008 of 2022

04.11.2025