



WP.No.19474 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : **29.05.2025**

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THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

W.P.No.19474 of 2025 &

WMP.Nos.21764 & 21766 of 2025

C.Rajendran

.. Petitioner

Versus

1. The Government of Tamil Nadu Rep. by its
Principal Secretary to Government,
Municipal Administration and Water Supply Department,
Fort St. George, Secretariat, Chennai – 600 009.

2. The Director of Municipal Administration,
No.75, Santhome High Road, Raja Annamalaipuram,
M.R.C.Nagar, Chennai – 600 028.

3. K.Sennukrishnan

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned charge memo issued by the second respondent in Roc.No.13443/2020 VI Dated 31.05.2023 and quash the same and consequently, direct the respondents to promote the petitioner as Town Planning Officer Grade – I on par with his junior Thiru S.Govindarajan who was promoted on 28.04.2023 with all service and monetary benefits, within a reasonable period as may be fixed by this Court.



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WP.No.19474 of 2025

For Petitioner : Mr.S.N.Ravichandran

For Respondents : Mr.T.K.Saravanan
Additional Government Pleader – R1 & R2

ORDER

Challenging the impugned charge memo issued by the second respondent in Roc.No.13443/2020 VI Dated 31.05.2023 and consequently, direct the respondents to promote the petitioner as Town Planning Officer Grade – I on par with his junior Thiru S.Govindarajan who was promoted on 28.04.2023 with all service and monetary benefits, within a reasonable period as may be fixed by this Court, the present Writ Petition has been filed.

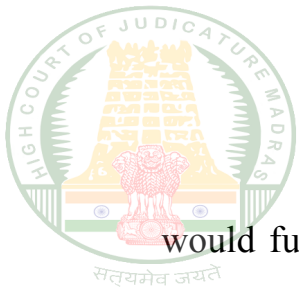
2. The case of the petitioner is that he is now working as Town Planning Officer Grade II in Rasipuram Municipality. During his course of service in Thiruverkadu Municipality, a surprise check was conducted in his apartment at No.401, 'F' Block, Siyam S &P Apartments, Rajamkuppam, Thiruverkadu, Chennai – 77. After such investigation, the second respondent has transferred the petitioner to Kovilpatti Municipality vide proceedings in Roc.No.13443/2020.VI dated 18.02.2021. On account of seizure of unaccounted money of Rs.1,48,000/- in the office of the Thiruverkadu Municipality on 02.09.2020 and not from the petitioner, he was placed under suspension as per



WP.No.19474 of 2025

the proceedings of the Commissioner in Roc.No.13443/2020/VI dated 18.02.2021. Challenging the Order of suspension, the petitioner filed a Writ Petition in W.P.No.4741 of 2021. The Madurai Bench of this Court by an Order dated 12.01.2022 directed the Directorate of Vigilance and Anti Corruption to file a final report within a period of 6 months. Consequent to the above Order, the first respondent by an Order in G.O.[D] No.301, MAWS Department, dated 22.08.2022 dropped the DVAC proceedings initiated against the petitioner. Thereafter, the petitioner was reinstated as per the proceedings of the Commissioner in Na.Ka.No.1214/2023/C1 dated 16.03.2023. The closure report filed by DVAC has been accepted by the Chief Judicial Magistrate at Tiruvallur by the proceedings in D.Dis.No.1245 of 2023, dated 13.07.2023. After four years, the second respondent has given the impugned charge memo to the petitioner with the same set of allegations on 31.05.2023 which is unsustainable under the law. Though the petitioner has submitted his defence statement, the enquiry has not been conducted even after a lapse of 24 months. Hence, the present Writ Petition.

3. The learned counsel appearing for the petitioner submitted that the charges levelled against the petitioner have already been dropped by the DVAC proceedings and hence, the present charge memo is unsustainable under law. He



WP.No.19474 of 2025

would further submit that even after two years of framing charges, enquiry has not been conducted, as a result of which the junior of the petitioner has been given promotion. According to the Orders issued by the Government in letter in [Ms] No.1118/Per.N/87, P & AR Department dated 22.12.1987, the entire 17[b] proceedings has to be completed in 153 days. Even though the petitioner had appeared for the enquiry, the enquiry Officer has not presented on two occasion. Therefore, he has come forward with the present Writ Petition challenging the impugned charge memo as unfair and illegal.

4. The learned Additional Government Pleader appearing for the first and second respondents would submit that he need some time to file objections.

5. Heard learned counsel for the petitioner and the learned Additional Government Pleader appearing for the first and second respondents and perused the materials available on record.

6. The petitioner has been placed under suspension vide proceedings of the second respondent dated 18.02.2021 based on the DVAC proceedings initiated against him. Subsequently, the DVAC proceedings had been dropped and thereafter, the petitioner has been reinstated. Though, the second respondent



WP.No.19474 of 2025

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has resurrected the issue after 4 years and issued a charge memo to the petitioner on 31.05.2023, the enquiry has not been conducted due to which the junior of the petitioner has been promoted. The petitioner is aged about 57 years and he is in verge of his retirement and he was not given promotion due to pendency of the enquiry against the petitioner. As per the Government Letter in [Ms] No.1118/Per.N/87, P & AR Department dated 22.12.1987, the entire 17[b], proceedings has to be completed in 153 days. But in the instant case, even after lapse of two years, the disciplinary proceedings initiated against the petitioner has not been completed.

7. Considering the above facts and circumstances, the first and second respondents shall give promotion to the petitioner subject to the outcome of the alleged inquiry initiated against the petitioner within a period of eight weeks from the date of receipt of a copy of this Order.

8. With the above directions, this Writ Petition is disposed of. Consequently, connected miscellaneous petition is closed. No costs.

29.05.2025

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WP.No.19474 of 2025

Index :Yes/No

Internet :Yes/No

Neutral Citation : Yes/No

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To,

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Municipal Administration and Water Supply Department,
Fort St. George, Secretariat, Chennai – 600 009.
2. The Director of Municipal Administration,
No.75, Santhome High Road, Raja Annamalaipuram,
M.R.C.Nagar, Chennai – 600 028.



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WP.No.19474 of 2025

T.V.THAMILSELVI, J.

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W.P.No.19474 of 2025

29.05.2025