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THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **29.05.2025**

CORAM:

THE HONOURABLE MRS.JUSTICE T.V. THAMILSELVI

W.P. No.19546 of 2025
and
W.M.P. Nos.21872 and 21873 of 2025

G. Sofia Jothibai ...Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. By its Principal Secretary to Government,
Revenue Administration
and Disaster Management Department,
Fort. St. George,
Secretariat,
Chennai – 600 009.

2. The Additional Chief Secretary /
Commissioner of Reveue Administration,
Commissionerate of Revenue Administration
and Disaster Management Department,
Chennai – 600 005. ...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking issuance of Writ of Certiorari to call for the records relating to the impugned order issued by the 2nd respondent in C.M. No.Ser.2(1)35913/2019, dated 19.05.2025, served on the petitioner on 22.05.2025 and to quash the same.

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For Petitioner : Mr.S. Nedunchezhiyan

For Respondents : Mr.P. Ganesan
Addl. Govt. Pleader

ORDER

The petitioner challenges the impugned order issued by the 2nd respondent in C.M. No.Ser.2(1)35913/2019, dated 19.05.2025.

2. The short facts of the case are as follows :-

It is stated that the petitioner was appointed as Typist in Revenue Department through TNPSC in the year 1994 and subsequently promotions were given to her and when that being so, in the year 2018, she held the post of Deputy Collector and assumed charge of the said post with effect from 01.06.2018. While so, during the surprise check conducted by the District Inspection Cell Officer i.e., on 12.09.2018, an amount of Rs.18,000/- was seized from the petitioner, which was kept in her purse. It is further stated that the petitioner explained the officials and shown bank statement as proof for withdrawal from her account in respect of the said amount. Subsequently, she was promoted as District Revenue Office and till date, continuing as such. It is the grievance of the petitioner that she is due to retire from service on reaching the age of superannuation on 31.05.2025.

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While things stood as such, she was issued a charge memo by the 2nd respondent vide, Proceedings, dated 19.05.2025, which is impugned herein and it is stated that the said Proceedings was served to her only on 22.05.2025. It is further stated that the impugned charge memo / Proceedings, dated 19.05.2025 was issued against the petitioner for the incident of the year 2018 i.e., unaccounted cash of Rs.41,000/- was found during the year 2018 alleged to be bribe in the custody of the petitioner.

3. Learned counsel for the petitioner submitted that the impugned charge memo was issued with an ill-motive as the same would create cumbersome procedures at the time of superannuation of the petitioner, which is due on 31.05.2025. He further submitted that the seized amount belongs to the petitioner and the same was also explained in detail during the year 2018 itself to the District Inspection Cell Officer by the petitioner by showing proof like bank statement, medical bills etc. It is submitted that as per the ratio laid down by this Court and placing reliance on the decision of the Hon'ble Supreme Court in the case of ***P.V. Mahadevan vs. MD., T.N. Housing Board reported in (2005)6 SCC 636***, he strongly

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argued that that there cannot be any charge memo after several years of the incident and particularly no charge memo can be framed on the verge of retirement. Without considering all these aspects, the impugned Charge Memo / Proceedings, dated 19.05.2025 was issued by the 2nd respondent against the petitioner, which is highly untenable and prays for allowing of this writ petition by quashing the impugned Charge Memo, dated 19.05.2025.

4. Mr.P. Ganesan, learned Additional Government Pleader appearing for the respondents submitted that though amount in part was seized from the petitioner, which was termed as bribe at the time of surprise check by the Inspection Cell Team in the year 2018, the said issue was considered now at the time of Audit while processing the retiral benefits amount due and payable to the petitioner. Hence, the impugned Proceedings, dated 19.05.2025 is valid and legally sustainable one. Therefore, interference in the said Proceedings, dated 19.05.2025 issued by the 2nd respondent is unwarranted and prays for dismissal of this writ petition.

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5. Heard the learned counsel on either side and perused the materials placed on record.

6. It is not in dispute that surprise check was conducted by the District Inspection Cell Officer during the year 2018 and thereby certain unaccounted cash came to light. It is an admitted fact that the petitioner's retirement date, falls on 31.05.2025. On perusal of records, it would show that in an earlier occasion, during the year 2018 itself, the petitioner had shown sufficient records before the Vigilance Officials as well as the District Inspection Cell in support of her contention that the seized amount belongs to her. However this Court is of the considered view that only after conducting proper enquiry, the truth could be unearthed. On a careful reading of the decision rendered by the Hon'ble Supreme Court, that pending departmental proceedings / enquiry cannot be ground to stall any employee from retirement that too on superannuation, considering the mental agony of the petitioner as well as the ratio laid down by various decisions of this Court as well as Hon'ble Supreme Court, this Court without going into the merits of the case issues the following directions to

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the respondents :-

i) The respondents shall permit the petitioner to retire from service by superannuation i.e., on 31.05.2025.

ii) The respondents shall conduct enquiry with regard to the charge memo against the petitioner as expeditiously as possible and complete the same within a period of six months and pass orders on merits and in accordance with law.

iii) However, it is made clear that the retirement benefits due to the petitioner shall be released, subject to the outcome of the enquiry proceedings.

7. With the aforesaid directions, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

29.05.2025

Note : Issue order copy on 29.05.2025
Internet:Yes/No
Index:Yes/No
Speaking/Non-speaking order
Neutral Citation : Yes/No
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T.V. THAMILSELVI, J.

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To:-
1. The Principal Secretary to Government,
State of Tamil Nadu,
Revenue Administration
and Disaster Management Department,
Fort. St. George,
Secretariat,
Chennai – 600 009.

2. The Additional Chief Secretary /
Commissioner of Reveue Administration,
Commissionerate of Revenue Administration
and Disaster Management Department,
Chennai – 600 005.

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and
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