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W.A No. 1801 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-10-2025

CORAM

THE HON'BLE MR JUSTICE R.SURESH KUMAR

AND

THE HON'BLE MR JUSTICE HEMANT CHANDANGOUDAR

W.A No. 1801 of 2024

And

CMP.No. 12930 of 2024

1. The Government of Tamil Nadu,
Represented by its Secretary to Government
Commercial Taxes and Registration Department
Fort St.George, Chennai-600009.

2. Inspector General of Registration
No.100, Santhome High Road
Mandevellipakkam, R.a.Puram,
Chennai-600028.

..Appellants

Vs

1.B.Sivapriya



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2. The Inquiry Officer,
District Registrar (Admn)
In the cadre of Assistant Inspector General,
O/o. District Registrar,
South Chennai, Nandanam,
Chennai-600035.

3. The Secretary,
Tamil Nadu Public Service Commission,
Chennai-600003.

..Respondents

Writ Appeal is filed under Clause 15 of Letter Patent to set aside the order dated 08.03.2024 passed in W.P.No.22003 of 2023.

For Appellants: Mr. Haja Nazirudeen, AAG

Assisted by

Mr. U. Bharanidaran, Spl.GP

For Respondents : Mr.S.Prabakaran, Senior Counsel – R1

For Mr R.Krishnakumar

JUDGMENT

(Made by ***HEMANT CHANDANGOUDAR, J.***)

This intra-court appeal is directed against the order dated 08.03.2024 passed by the learned Single Judge in W.P. No. 22003 of 2023. By the said

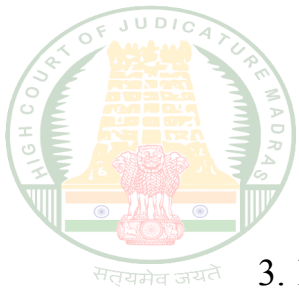


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order, the learned Single Judge allowed the writ petition, set aside the order of dismissal passed against the respondent/writ petitioner, and directed the appellants to reinstate the respondent/writ petitioner into service forthwith, together with all consequential benefits.

2. The brief facts of the case are as follows: The respondent/writ petitioner, while serving as District Registrar (Joint I), Saidapet, was issued a charge memorandum dated 09.11.2018 under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, alleging that, during her tenure as Sub Registrar, Virugambakkam, she had registered 45 documents involving government lands, thereby committing misconduct by acting in an irresponsible manner detrimental to the interests of the Government. The Enquiry Officer submitted a report holding that the charges stood proved. After issuance of a show-cause notice and consideration of the petitioner's response, the disciplinary authority passed an order dismissing her from service. The learned Single Judge, after examining the record, set aside the said order of dismissal. Aggrieved by this decision, the State has preferred the present writ appeal.

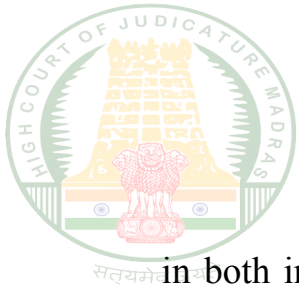


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3. Mr. Haja Nazirudeen, learned Additional Advocate General appearing for the appellants–State, submitted that the delay in concluding the enquiry was attributable to the respondent/writ petitioner, as three Enquiry Officers appointed at different stages were changed at her instance. Therefore, the delay, if any, cannot be attributed to the appellants. He further contended that there was no material evidence to substantiate the finding of the learned Single Judge that the fourth Enquiry Officer, Tmt. Sathyapriya, had collected incriminating materials against the respondent at the time of framing of charges. Hence, the finding of bias is unfounded. It was also argued that the delay in completing the enquiry did not cause any prejudice to the respondent/writ petitioner, and therefore, the order of the learned Single Judge is unsustainable in law. In support of his submission, he placed reliance on the decision of the Hon'ble Supreme Court in *Union of India & Others v. K.K. Dhawan [(1993) 2 SCC 56]*.

4. In response, Mr. S. Prabakaran, learned Senior Counsel appearing for the respondent/writ petitioner, submitted that the learned Single Judge, after a meticulous evaluation of the record, rightly concluded that the order of dismissal stood vitiated on two counts — (i) inordinate and unexplained delay



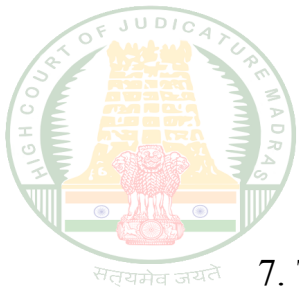
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in both initiating and concluding the disciplinary proceedings, and (ii) bias on the part of the Enquiry Officer, who had earlier collected incriminating materials against the petitioner. He, therefore, contended that the impugned order warrants no interference and sought dismissal of the appeal.

5. We have heard the learned counsel for the parties at length and perused the materials placed on record.

6. Admittedly, the charge against the respondent/writ petitioner pertains to the registration of government lands while she was serving as Sub Registrar in the year 2010, based on a complaint filed by a member of the public. An audit inspection conducted in 2013 revealed certain irregularities in the registration of government lands, allegedly in contravention of Government Orders and circulars. However, the charge memorandum was issued only on 09.11.2018, i.e., after a lapse of more than five and a half years from the date of the audit report. The enquiry culminated in the order of dismissal dated 26.06.2023. It is also not in dispute that three Enquiry Officers appointed earlier recused themselves from conducting the enquiry.



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7. The appellants contended that such recusals occurred due to objections raised by the respondent/writ petitioner on grounds of bias. Subsequently, Tmt. Sathyapriya was appointed as the fourth Enquiry Officer to proceed with the departmental enquiry.

8. The respondent/writ petitioner, however, contended that she had addressed a letter dated 03.07.2020 stating that Tmt. Sathyapriya had herself collected incriminating materials against her, which later formed the basis of the charges, and therefore, it would not be appropriate for the same officer to act as Enquiry Officer. This communication was acknowledged by the disciplinary authority on 03.11.2020, yet no action was taken.

9. Although some explanation was offered for the delay in concluding the enquiry, there was no explanation whatsoever for the delay in initiating the disciplinary proceedings when the audit report was received on 18.05.2013, but the charge memorandum was issued only on 09.11.2018. This unexplained and inordinate delay amounts to a violation of the principles of natural justice, as the respondent was left unaware of the alleged misconduct for more than eight years from the date of the occurrence. Such delay seriously prejudices the right



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of defence and defeats the fundamental principle of fairness inherent in disciplinary jurisprudence. In the absence of any satisfactory explanation, the initiation and culmination of the disciplinary proceedings stand vitiated as being arbitrary, unreasonable, and violative of natural justice.

10. The learned Single Judge, while allowing the writ petition, placed reliance on a catena of decisions of the Hon'ble Supreme Court, and rightly concluded that the inordinate and unexplained delay in initiating the departmental enquiry had caused serious prejudice to the writ petitioner. The learned single judge observed that such prolonged and unjustified delay not only violates the principles of natural justice but also subjects the employee to undue hardship and mental agony, particularly when no explanation, much less a satisfactory explanation, has been offered by the disciplinary authority for the delay in commencing the proceedings.

11. The learned Single Judge also rightly held that the enquiry proceedings stood vitiated on account of bias. In paragraphs 31 and 32 of the affidavit filed in support of the writ petition, the writ petitioner had specifically pleaded that the fourth Enquiry Officer, by her letter dated 03.07.2020, had



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requested permission to recuse herself from conducting the enquiry, stating that she had collected incriminating materials against the writ petitioner, which in fact formed the basis for framing the charges. The said categorical averments made on oath by the writ petitioner were not denied by the appellants in their counter-affidavit.

12. Furthermore, the subsequent representation dated 03.11.2020, which was duly acknowledged by the disciplinary authority and countersigned by the same Enquiry Officer, clearly establishes that the said officer had indeed participated in the collection of incriminating materials at the stage of framing the charges. This circumstance, which goes to the root of the enquiry, creates a reasonable apprehension of bias and undermines the fairness and impartiality expected in disciplinary proceedings.

13. In light of these undisputed factual circumstances, the finding of the learned Single Judge that the entire enquiry stood vitiated on the ground of bias is well-founded and supported by a catena of decisions of the Hon'ble Supreme Court and various High Courts, which have consistently held that any enquiry conducted by an officer who has played a role in the preliminary investigation



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or in the collection of materials forming the basis of the charge, stands tainted with bias and is liable to be set aside

14. The learned Single Judge also rightly noted that another officer, one Raghumoorthy, who faced identical allegations relating to registration of government lands in the audit report , was not subjected to any disciplinary proceedings. This selective initiation of disciplinary action amounts to hostile discrimination, violating the guarantee of equality under Article 14 of the Constitution of India. Such disparate treatment renders the disciplinary action perverse and unsustainable in law. The learned Single Judge relied upon the decision of the Apex Court in the case of ***Bongaigaon Refinery & Petrochemicals Ltd & Anr. V Girish Chandra Sharma [(2007) 7 SCC 206]***, wherein it was held that the Division Bench had correctly assessed the situation, observing that the respondent was unjustly made a scapegoat, even though the decision in question was a unanimous decision taken by all three committees involved in the negotiation process, and the price was finalized collectively. It was further held that the respondent alone could not be held responsible when the decision was taken jointly by the committees. If the decision of the committee is flawed, it cannot be said that the respondent alone is to blame. To single out one individual for collective action would be arbitrary and



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unreasonable, for if all the fish stink, it would be unfair to pick only one and say that it alone stinks, particularly when the decision was unanimous and borne out of collective deliberation.

15. In view of the foregoing discussion, we have no hesitation in holding that the unexplained delay in initiating disciplinary proceedings, the continuation of a biased Enquiry Officer, and the discriminatory treatment meted out to the respondent, collectively vitiate the order of dismissal. The learned Single Judge has rightly exercised jurisdiction in setting aside the impugned order, and the same does not warrant interference by this Court.

16. Accordingly, the writ appeal stands dismissed. The connected Miscellaneous Petition is also closed. There shall be no order as to costs.

(R.S.K.,J)

(H.C., J)

13.10.2025

Index : Yes / No

Internet : Yes/No

Neutral Citation : Yes / No

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