



W.P.Nos.8953 & 9565 of 2016

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2025

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THE HONOURABLE MR. JUSTICE K.SURENDER

W.P.Nos.8953 & 9565 of 2016
and
W.M.P.Nos.8609 & 7959 of 2016

K.Chandrasekar Rao

... Petitioner in both the Writ Petitions

Vs.

1. State of Tamiul Nadu
Represented by Secretary to Government,
Industries Department,
Fort St. George,
Chennai-600 009.

2. The Tamil Nadu Cements Corporation Ltd.,
Represented by its Managing Director
No.735, Anna Salai,
Chennai-600 002.

3. C.Kamaraj,
The Managing Director,
The Tamil Nadu Cements Corporation,
No.735, Anna Salai,
Chennai-600 002.

... Respondents in both the Writ Petitions.



W.P.Nos.8953 & 9565 of 2016

Prayer in W.P.No.8953 of 2016:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorari, calling for records of the 2nd respondent comprised in charge memo dated 02.03.2016 in Ref:2807/A1/2016, quash the same as arbitrary, illegal and unconstitutional, without jurisdiction, vitiated by malafides and thus render justice.

Prayer in W.P.No.9565 of 2016:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorari, calling for records of the 2nd respondent comprised in charge memo dated 10.03.2016 in Ref:30800/A1/2016, quash the same as arbitrary, illegal and unconstitutional, without jurisdiction, vitiated by malafides and thus render justice.

For Petitioner in
both the Writ Petitions : Mr.S.Ramesh

For Respondent No.1 in
both the Writ Petitions : Mr.V.Nanmaran AGP

For Respondent No.2 & 3
in both the Writ Petitions : Mr.A.Sivaji

COMMON ORDER

These writ petitions are filed challenging the records of the 2nd respondent comprised in charge memo dated 02.03.2016 in



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Ref:2807/A1/2016, in W.P.No.8953 of 2016 and in charge memo dated 10.03.2016 in Ref:30800/A1/2016 in W.P.No.9565 of 2016.

2. The only grievance of the petitioner in both these writ petitions is that the Charge Memo were issued by the Managing Director of Tamil Nadu Cement Corporation (TANCEM). However, the Managing Director is an appellate authority and it is for the Head of Personnel and Administration (P&A) to conduct inquiry, except resignation and impose major punishment or minor punishment.

3. Since the issue involved is technical and contrary to the rules, there is no necessity to give any detailed facts of the case and also the charges.

4. The learned counsel for the respondent is present. It is not disputed by him regarding the modified service rules of the TANCEM. The modified rules of the TANCEM reads as follows:

“(i) Head of the Personnel & Administration Department of R.O.TANCEM and Units shall be the appointing Authority in respect of posts created upto the cadre of Deputy Manager (Rs.10,000-352-15200) at R.O.and



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Units respectively.

(ii) Head of TANCEM Stoneware Pipe Factory, shall be the appointing authority in respect of posts treated, upto the level of Executive Rs.5900-200-9900.

The above Authorities shall have powers to accept resignations of persons appointed by him and also powers to impose minor and major punishments for good accordance with the discipline and appeal Rules of the Corporation.

The Chairman & Managing Director shall be the Appellate Authority in respect of all orders passed by Head of P&A Department R.O.TANCEM and Head of TANCEM Production Units. In respect of orders passed by CMD for officers in the cadre of Manager (Rs.12750-375-16500) in TANCEM R.O. and Units the Executive Sub Committee shall be the Appellate Authority and in the case of Dy. B1 Manager Rs.15000-400-18600 and B1. Manager Rs.16400-450-20000, the Board of Director Authority.”

5. It is seen from the modified rules of TANCEM that the Chairman and the Managing Director are appellate authorities. Issuance of the charge memo by the appellate authority has prejudiced the petitioner. Since the



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charge memo on the petitioner were issued by the Managing Director is improper in accordance with the rules, such charge memos are liable to be quashed.

6. Accordingly, the writ petitions are **allowed**. No costs.
Consequently, the connected miscellaneous petitions are also closed.

(sha)
Index : Yes
Speaking Order
Neutral Citation : Yes

27.10.2025

To

1. State of Tamiul Nadu
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K.SURENDER. J.,

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