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W.A No. 3022 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.10.2025

CORAM

THE HON'BLE MR JUSTICE R.SURESH KUMAR

AND

THE HON'BLE MR JUSTICE HEMANT CHANDANGOUDAR

W.A No.3022 of 2025

And

CMP.No.24438 of 2025

The State of Tamil Nadu
Represented by Additional Chief Secretary to Government
Home (Transport II) Department
Secretariat, Chennai-600 009.

..Appellant

Vs

N.Sivalingam
2/244, Gemini Street
Chinniyampalayam
Coimbatore - 641 062.

..Respondent

Writ Appeal is filed under Clause 15 of Letter Patent to allow the writ appeal and to set aside the order dated 19.09.2023 made in W.P.No.15624 of 2021.

For Appellant : Mr.S.John J.Raja Singh
Additional Government Pleader
For Respondent : Mr.G.Mutharasu



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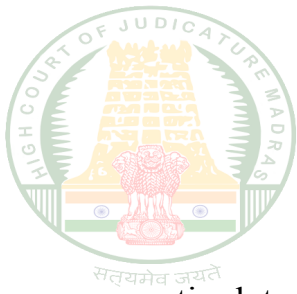
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J U D G M E N T

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

This intra-court appeal assails the order dated 19.09.2023 passed by the learned Single Judge in W.P. No. 15624 of 2021. By the said order, the learned Single Judge allowed the writ petition, quashed the order of dismissal dated 29.01.2021, and permitted the respondent/writ petitioner to retire from service. A direction was also issued to the appellant to settle the pensionary and other benefits to which the respondent/writ petitioner is entitled.

2. The respondent/writ petitioner, while working as Deputy Transport Commissioner, Salem, was issued a charge memo dated 13.08.2007, wherein three charges were framed alleging that, while serving as Regional Transport Officer, Tiruppur, he had caused pecuniary loss to the Government to the tune of Rs.24,48,202/-. It was further alleged that advance registration numbers were allotted based on fake Government Orders produced by the parties and that he had failed to follow the procedure prescribed in Circular No. 38/99, which



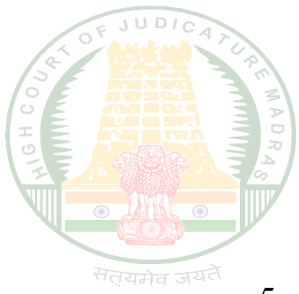
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stipulated that the dealer should present the application for registration to the Motor Vehicle Inspector, who would verify the vehicle and application. If both were found to be in order, the Inspector was to affix a seal on Form 20, certifying that the vehicle and application were in order and that the tax and fee could be collected.

3. Similar charges were also framed against 42 other delinquents. The respondent/writ petitioner denied the charges, and an enquiry was conducted. The Enquiry Officer, after completing the proceedings, submitted a report holding that the charges against the respondent/writ petitioner were proved. The respondent/writ petitioner was thereafter issued a second show-cause notice, to which he submitted his reply. Upon consideration of the enquiry report and the reply to the second show-cause notice, the appellant passed an order dismissing the respondent/writ petitioner from service.

4. Aggrieved by the said order, the respondent/writ petitioner approached this Court in the aforementioned writ petition.



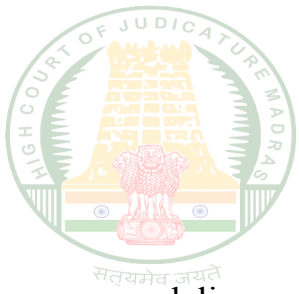
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5. The learned Single Judge, after hearing the learned counsel for the parties and perusing the materials on record, passed the impugned order.

6. Mr. S. John J. Raja Singh, learned Additional Government Pleader for the State, submitted that the delay in concluding the enquiry against the respondent/writ petitioner was attributable to the respondent/writ petitioner himself, as he had approached this Court in W.P. No. 12201 of 2015 and W.P. No. 15991 of 2018. He further submitted that the charges against the petitioner were duly proved, and therefore, the learned Single Judge was not justified in interfering with the order of dismissal merely on the ground that a lesser punishment had been imposed on other delinquents against whom similar charges were framed. He contended that, on account of the dereliction of duty by the respondent/writ petitioner, the Government suffered a loss of Rs.24,48,202/-, and hence, the impugned order passed by the learned Single Judge is not legally sustainable.

7. In response, Mr. G. Mutharasu, learned counsel for the respondent/writ petitioner, submitted that similar charges were framed against other



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delinquents, who were either fully exonerated or imposed with lesser punishments. In one such case, where the punishment of stoppage of increment was imposed, this Court had set aside the order of penalty. He further submitted that there was an inordinate delay in initiating and concluding the enquiry. Therefore, the learned Single Judge, after considering all these aspects in their proper perspective, rightly passed the impugned order. In the absence of any illegality or infirmity in the order of the learned Single Judge, the present writ appeal is devoid of merit and liable to be dismissed.

8. The rival submissions of the learned counsel for the parties and the materials available on record have been duly considered.

9. It is undisputed that similar charges were framed against 42 other delinquents, as is evident from the counter-affidavit dated 02.12.2022 filed by the appellant, which has been taken note of by the learned Single Judge.

10. A perusal of the counter-affidavit indicates that the appellant had dropped the charges against 19 delinquents; imposed the punishment of

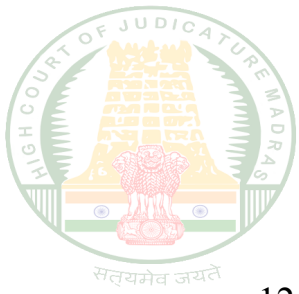


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“censure” on 3 delinquents; imposed minor punishments of stoppage of increments without cumulative effect on 9 delinquents; permitted 8 delinquents to retire from service without prejudice to the disciplinary proceedings pending against them; and, in the case of 3 delinquents against whom the punishment of stoppage of increments without cumulative effect for two years was imposed, this Court, in W.P. No. 25314 of 2011, quashed the punishment order on the ground of discrimination and violation of the principle of equality, by order dated 13.12.2012.

11. The learned Single Judge also observed that the pecuniary loss caused to the exchequer had been recovered from the vehicle owners and deposited into the Government treasury. It was further observed that the alleged dereliction of duty by the respondent/writ petitioner pertained to the period 1999–2002, whereas the enquiry was initiated only by the charge memo dated 13.08.2007, after a delay of more than nine years, and no explanation was offered by the appellant for such belated initiation of disciplinary proceedings.

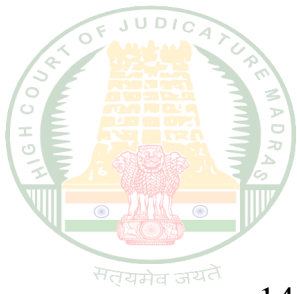


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12. Although the charge memo was issued on 13.08.2007, the order of dismissal was passed only on 29.01.2021. Between these two dates, the respondent/writ petitioner had approached this Court in W.P. No. 12201 of 2015, seeking a direction to pass final orders, and this Court, by order dated 24.04.2015, directed the appellant to pass final orders within six weeks. However, the said direction was not complied with. Subsequently, the respondent/writ petitioner filed W.P. No. 15991 of 2018 seeking to quash the charge memo, but the said writ petition was withdrawn.

13. Having initiated the departmental enquiry after a delay of nine years, the appellant further prolonged it from 2007 to 2021 without any satisfactory explanation. The delay cannot be attributed to the respondent/writ petitioner, who had, in fact, approached this Court seeking an early conclusion of the proceedings. The learned Single Judge, considering these aspects, including the imposition of lesser punishments on other delinquents against whom similar charges were framed and the quashing of such punishment orders by this Court in other cases, has rightly passed the impugned order.



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14. The learned Single Judge, after meticulously and properly evaluating the materials on record, has rightly passed the impugned order. In the absence of any illegality or infirmity, the impugned order passed by the learned Single Judge does not warrant interference. Accordingly, the writ appeal is devoid of merit and is dismissed.

15. The appellant/State is directed to implement the order dated 19.09.2023 passed by the learned Single Judge within eight (8) weeks from the date of uploading of this order on the official website of this Court. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

(R.S.K.,J)

(H.C., J)

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Index : Yes / No

Internet : Yes/No

Neutral Citation : Yes / No

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