



WEB COPY

WP No. 24672 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-03-2025

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THE HONOURABLE MRS JUSTICE V.BHAVANI SUBBAROYAN

WP No. 24672 of 2023

1. P.Kalasager

Assistant District Officer (retd), No.14,
Rajkamal Street, Srinivasa Nagar,
Peerkanarai, Chennai-03.

Petitioner(s)

Vs

1. The Director

Fire And Rescue Service Department,
Egmore, Chennai-08.

2.The District Officer

Fire And Rescue Service Department,
Thiruvallur District.

3.The Deputy Director

Fire And Rescue Services Department,
North West Region, Vellore.

Respondent(s)

PRAYER

This Writ Petition is filed under Article 226 of Constitution of India to issue a



Writ of Certiorarified Mandamus, to call for the records in Charge Memo 02/2023 dated 3rd July 2023 issued by the 1st respondent, and to quash the same as illegal and without jurisdiction and to consequently 3rd respondent direct payment of regular pension to the petitioner

For Petitioner(s): Mr.Sharath Chandran

For Respondent(s): Mr.R.U.Dinesh Raj Kumar, AGP

ORDER

This Writ Petition is filed seeking to quash of the impugned Charge Memo 02/2023 dated 03.07.2023 issued by the first respondent.

2. The brief facts of the case are that the petitioner joined the Tamil Nadu Department of Fire and Rescue Service on October 1, 1983 and was promoted as Assistant Divisional Officer on January 7, 2002. On August 17, 2009, the petitioner was arrested by the Vigilance and Anti-Corruption Department for allegedly accepting a bribe of Rs.2,500/-. The petitioner was placed under suspension from 19.08.2009 and a First Information Report (FIR) was registered against him in Crime No. 34/09/AC/HQ under Sections 7 and 13(2) read with Section 13(1)(d) of Prevention of Corruption Act, 1988. The petitioner though superannuated on March 31, 2011, was not permitted to retire due to the



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pending disciplinary proceedings. A Charge Sheet was filed against the petitioner on May 10, 2011 and the case is under pending before the learned Chief Judicial Magistrate, Tiruvallur. According to the petitioner, charge memo was issued to him after a delay of 12 years, which is under challenge in this Writ Petition.

3. Learned counsel for the petitioner submits that the petitioner superannuated on 31.03.2011, but due to pending disciplinary proceedings, his retirement benefits were withheld, and provisional pension was ordered. It is the further contention of the petitioner that a charge memo was issued to him after an inordinate delay of 12 years which is barred by limitation, and the respondents failed to provide any justification for the inordinate delay. Therefore, the petitioner is before this Court by way of this Writ Petition.

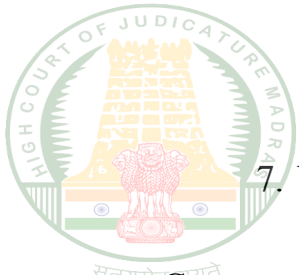
4. Learned Additional Government Pleader for the respondents filed a counter and contended that initiating departmental action against the petitioner cannot be construed as belated as the trial of the Criminal case is still pending



before the learned Chief Judicial Magistrate, Tiruvallur. Further, the disciplinary charges framed against the petitioner relates to violation of departmental rules and Tamil Nadu Government Servant Conduct Rules, thereby, the impugned charge memo and the pending criminal case are not one and the same, and prays for the dismissal of Writ Petition.

5. Heard both sides and perused the materials available on record.

6. Considering the submissions made by both sides, this Court directs the learned Chief Judicial Magistrate, Tiruvallur to expedite the Trial and complete the same on or before 30.08.2025. The parties are hereby directed not to seek unnecessary adjournments and to cooperate in ensuring a speedy trial. Thereafter, the respondents shall commence the departmental proceedings, and complete the same by November 30, 2025, by passing orders in the manner known to law.



7. With the above directions, this Writ Petition is disposed of. No costs.

Consequently, connected miscellaneous petitions are closed.

WEB COPY

27-03-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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WEB COPY

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V.BHAVANI SUBBAROYAN J.

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