



W.P.No.24464 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2025

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THE HONOURABLE MR.JUSTICE G.K. ILANTHIRAIYAN

W.P.No.24464 of 2023

C.Suresh Ananth

: Petitioner

Vs.

1.The Director,
Tamil Nadu Fire and Rescue Services,
Rukmani Lakshmipathy Salai,
Egmore,
Chennai-600 008.

2.The District Fire Officer,
Tenkasi-Cutrallam Road,
Tenkasi District,
Tamil Nadu-627 811.

3.The Joint Director,
Fire and Rescue Service,
Rukmani Lakshmipatty Salai,
Egmore,
Chennai-600 008.

4.The District Fire Officer,
Chennai Suburban District,
Ambattur,
Chennai-600 058.

: Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue Writ of Certiorari calling for the records of proceedings in Na Ka N 3024/E2/2013 dated 28.07.2023 on the file of the first respondent and the consequential notice bearing No.Na Ka No.19944/Aa1/2022 dated 04.08.2023 on the file of the fourth respondent and to quash the same.

For Petitioner : Mr.Sarath Chandran
For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

This writ petition has been filed challenging the notice issued by the first respondent thereby called upon the petitioner for domestic enquiry.

2. The petitioner while he was holding the post of Assistant District Fire Officer in Palayamkottai, on a complaint, an FIR was registered in Crime No.2/AC/2013 on the file of the Inspector of Police, Vigilance and Anti-Corruption Special Unit-1 alleging that the petitioner demanded a bribe of Rs.30,000/- for issuance of no objection certificate to open an auto LPG gas station. On receipt of the said FIR, the petitioner was placed under suspension in



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criminal case culminated into criminal trial in CC No.6 of 2014 on the file of the Special Court for the cases under Prevention of Corruption Act, Chennai. After full fledged trial, the petitioner was acquitted from all the charges by the judgment dated 05.03.2019. After 1 and half years from the date of criminal court judgment, the petitioner was served with charge memo under Section 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal Rules), 1955 on 09.12.2020. Though the petitioner submitted detailed explanation, it was not satisfactory in nature and proceeded with disciplinary proceedings. An enquiry officer was appointed and conducted enquiry. Though the enquiry officer had held that all the charges were not proved, the Director of Vigilance and Anti-Corruption by its letter dated 28.09.2022 requested the disciplinary authority to conduct de nova enquiry in the enquiry proceedings. It is unknown to law that the Director of Vigilance and Anti Corruption Department dictated terms to the disciplinary authority to conduct de nova enquiry.

3. It is also pertinent to note that the petitioner was not served with any show cause notice on the strength of the enquiry officer to explain. Though the enquiry officer found that the charges were not proved against the petitioner, the



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disciplinary authority can very well disagree with the findings of the enquiry officer and issue show cause notice seeking the grounds for disagreeing with the enquiry officer. Without doing so, now the disciplinary authority ordered for de nova enquiry on the very same set of charges and issued notice to the petitioner which is impugned in this writ petition.

4. That apart, in the judgment passed by the criminal court in CC No.6 of 2014 dated 05.03.2019, this Court observed that the demand and acceptance has not been proved by the prosecution. The entire sequence of events seems to have happened to rope the accused by hook and by crook. Therefore, the prosecution has miserably failed to prove the case beyond all reasonable doubt. The ingredients of the offence alleged to have been committed by the petitioner has not been met with. Further, the persons who had deposed before the criminal court as PW1 to PW10, the same persons had deposed before the enquiry officer. On the basis of their evidence, the enquiry officer held that all the charges were not proved against the petitioner. On perusal of the charge memo issued to the petitioner, it shows that the very same set of charges which were tried by the criminal court issued to the petitioner.



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5. On perusal of the counter filed by the respondents as well as the submissions made by learned Special Government Pleader, it reveals that the enquiry officer conducted enquiry and concluded the enquiry and submitted a report that all the charges were not proved. Subsequently, the enquiry report was sent to the Vigilance and Anti Corruption Department for their remarks. On receipt of the same, the Director to Vigilance and Anti Corruption by its communication dated 28.09.2022 has remarked that since the enquiry officer arrived a final conclusion based on the judgment of the criminal court case, without examining the statements of witnesses and hence requested to conduct de nova proceedings in the department proceedings and conclude enquiry based on the statements of the witnesses. It amounts to absurd the criminal court findings. That apart, if the disciplinary authority is not satisfied with the report submitted by the enquiry officer, the disciplinary authority can very well issue show cause notice to the petitioner stating the grounds for disagreeing with the enquiry officer's report. Without doing so, on the request made by the Vigilance and Anti Corruption Department, the disciplinary authority cannot conduct de nova enquiry. It would amount to absurd the entire findings of the criminal court that to after full



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pledged trial. The witnesses shown in the criminal case and disciplinary proceedings are one and the same. Only on the basis of the evidence, the criminal court concluded that the charges were not proved as against the petitioner beyond any doubt by the prosecution. Therefore, no purpose would serve if the same witnesses are examined in the disciplinary proceedings once again. The departmental proceedings and the criminal case were based on the similar set of facts and the charges in the departmental case and the charges before the criminal court were also one and the same. That apart, the charge memo was issued to the petitioner after a period of one and half years from the date of judgment passed by the criminal court. Hence, there is no question of re-appreciating the evidence by the enquiry officer to punish the petitioner.

6. In view of the above, this Court finds infirmity in the notice issued to the petitioner to conduct de novo enquiry, Hence, it is not sustainable and liable to be quashed. Accordingly, notice dated 04.08.2023 is quashed.



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7. With the above directions, the writ petition stands allowed. No costs.

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WMP No.23887 of 2023 is closed.

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Speaking (or) Non Speaking Order

Neutral Citation: Yes/No

mrn

To

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G.K. ILANTHIRAIYAN, J.

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