



W.P. No.33349 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 08.09.2025

CORAM:

THE HON'BLE MR. JUSTICE A.D. JAGADISH CHANDIRA

W.P. No.33349 of 2025

V. Rajendran

.. Petitioner

Versus

1. The District Collector,
Salem – 636 001.

2. The Revenue Divisional Officer,
Salem – 636 005.

.. Respondents

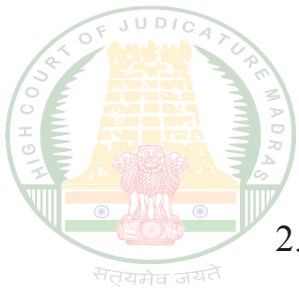
Prayer : Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Certiorari, calling for the records pertaining to the order passed by the 2nd respondent in his proceedings Na.Ka. No.2035/2024/A1, dated 10.07.2025 (served on 05.08.2025) and quash the same.

For petitioner : Mr.P. Ganesan

For respondents: Mr.R.U. Dinesh Rajkumar,
Additional Government Pleader

ORDER

This writ petition has been filed seeking quashment of the order passed by the 2nd respondent, vide proceedings in Na.Ka. No.2035/2024/A1 dated 10.07.2025, which was served on 05.08.2025.



2. Short facts leading to filing of this writ petition are as follows :-

WEB COPY

The petitioner was originally appointed as Village Administrative Officer on 16.09.1986 and lastly posted at Pallipatty Village, Salem. While so, pursuant to a complaint, the petitioner was caught red-handed for demanding an illegal gratification of Rs.1,000/-. Later, he was arrested by the Inspector of Police, Vigilance and Anti-Corruption. Consequent to the arrest, he was placed under suspension by the 2nd respondent on 16.09.2003. A case was registered against the petitioner under Section 7 of the Prevention of Corruption Act in Crime No.12 of 2003.

3. It is further stated that trial in the criminal proceedings was conducted by the Special Court in Spl. C.C. No.27 of 2014 in the said case and the same ended in acquittal, vide order dated 29.04.2015. It is further stated that the petitioner has sent repeated representations to the respondents seeking revocation of suspension and last such representation was dated 18.03.2016.

4. On the other hand, the State preferred an appeal against the order of acquittal in CrI.A.No.586 of 2015, but the same was dismissed on 08.09.2023, thereby confirming the acquittal, which has thus attained finality. In the meanwhile, the petitioner had reached the age of superannuation; however, the 2nd respondent did not permit him to retire from service. In such circumstances, the petitioner submitted a representation to the 2nd respondent,

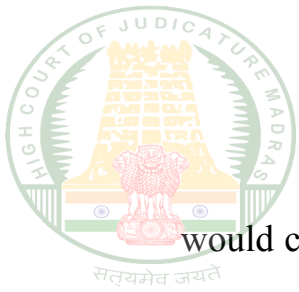


W.P. No.33349 of 2025

WEB COPY

but no orders were passed thereon. Thereafter, he challenged the order of suspension dated 17.09.2003 and the consequential order dated 31.05.2018 passed by the 2nd respondent, besides seeking a direction to permit him to retire from service with all consequential retirement benefits, by filing writ petition viz., W.P. No.38169 of 2024. This said writ petition was disposed of by this Court with a direction to the authorities concerned to complete the disciplinary proceedings pending against the petitioner within the stipulated time. Also there was a direction to the authorities to permit the petitioner to retire with all pensionary benefits due to him. Consequent upon the said directions, he submitted various representations, which have not been considered. Instead, the 2nd respondent, vide Proceedings dated 10.07.2025, has issued a fresh charge memo levelling two charges against the petitioner. Aggrieved over the said proceedings dated 10.07.2025 issued by the 2nd respondent, this writ petition has been filed.

5. Learned counsel for the petitioner would submit that as per the settled position, when the charges in respect of disciplinary proceedings and the charges before the Criminal Court are one and the same, more particularly when the petitioner has been acquitted from the criminal charges, the departmental proceedings cannot be proceeded with. He further submitted that an inordinate delay in initiation or completion of disciplinary proceedings itself



W.P. No.33349 of 2025

would cause grave prejudice and the same can be interfered with by this Court.

Further, he placed reliance on the decision of the Hon'ble Supreme Court in ***P.V. Mahadevan vs. Managing Director, Tamil Nadu Housing Board reported in 2005 6 SCC 636***, with particular reference to paragraph Nos.7 to 11 in the said judgment. By relying the aforesaid decision, he strongly argued that that there cannot be any charge memo after several years of the incident and particularly, no charge memo can be issued on the verge of retirement.

6. Finally, he submitted that the petitioner is an sexagenarian and subjecting the petitioner to enquiry proceedings for no fault of his would result in grave miscarriage of justice. He put forth his submissions mainly on the ground of inordinate delay. Without considering all these aspects, the impugned Charge Memo / Proceedings, dated 10.07.2025 was issued by the 2nd respondent against the petitioner, which is highly untenable and prays for allowing of this writ petition by quashing the impugned Charge Memo.

7. Learned counsel also placed reliance on various decisions and the same are listed out hereunder:-

i) Order of this Court dated 06.11.2023 in W.P. No.18515 of 2022 in the case of ***V.S. Varadharajan vs. TANGEDCO, Chennai and another;***



W.P. No.33349 of 2025

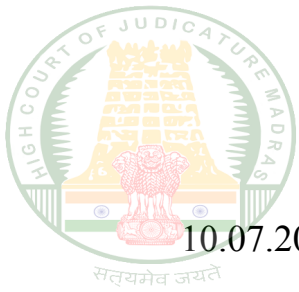
WEB COPY

ii) Order of this Court dated 14.07.2025 in W.P. No.27112 of 2015 in the case of ***R. Arul Pragasam vs. The Agricultural Production Commissioner & Secretary to Government and two others;***

iii) Order of this Court dated 22.04.2025 in W.P. No.12077 of 2022 in the case of ***K. Sampath Kumar vs. The Chairman, TANGEDCO, Chennai and two others;***

iv) Apart from the above decisions, he placed reliance on the latest decision rendered by the Hon'ble Apex Court, dated 01.04.2025 in Civil Appeal No.10590 of 2024 in the case of ***Amresh Shrivastava vs. State of Madhya Pradesh and others reported in 2025 SCC Online SC 693.***

8. The respondents have not filed counter. The learned Government Advocate vehemently opposed the prayer of the petitioner to quash the Proceedings dated 10.07.2025 on the ground of delay. However, he argued that the Proceedings dated 10.07.2025 issued by the 2nd respondent is valid and legally sustainable one. Therefore, interference in the said Proceedings, dated



W.P. No.33349 of 2025

10.07.2025 issued by the 2nd respondent is unwarranted and prays for dismissal

WEB.COM of this writ petition.

9. On a perusal of records, it comes to light that the nature of charges in the departmental proceedings and in the criminal case is one and the same. Further, it is also seen that the same witnesses were examined and the Criminal Court held that the prosecution had failed to prove the guilt alleged against the petitioner beyond any reasonable doubt and the order of acquittal was issued in favour of the petitioner. Further, it is noticed that no reasons were furnished by the 2nd respondent for the inordinate delay, that too after two decades in issuing the charge Memo. The petitioner was made to wait for a long time to see the end of the tunnel. It is relevant to point out that the alleged occurrence is stated to have taken place in the year 2003 for which, fresh charge memo was issued in the year 2025 by adding one more charge against the petitioner. In this context, it is relevant to refer to the decision of the Honourable Supreme Court in the case of ***P.V. Mahadevan vs. Managing Director, T.N. Housing Board reported in (2005) 6 SCC 636*** wherein in Para No.11, it was held thus:-

"11. Under the circumstances, we are of the opinion that allowing the respondent to proceed further with the departmental proceedings at this distance of time will be very prejudicial to the appellant. Keeping a higher government official under charges of



WEB COPY



W.P. No.33349 of 2025

corruption and disputed integrity would cause unbearable mental agony and distress to the officer concerned. The protracted disciplinary enquiry against a government employee should, therefore, be avoided not only in the interests of the government employee but in public interest and also in the interests of inspiring confidence in the minds of the government employees. At this stage, it is necessary to draw the curtain and to put an end to the enquiry. The appellant had already suffered enough and more on account of the disciplinary proceedings. As a matter of fact, the mental agony and sufferings of the appellant due to the protracted disciplinary proceedings would be much more than the punishment. For the mistakes committed by the department in the procedure for initiating the disciplinary proceedings, the appellant should not be made to suffer."

10. Further, this Court also perused the decision rendered by the Hon'ble Supreme Court in Civil Appeal No.10590 of 2024 on 01.04.2025 in the case of *Amresh Shrivastava vs. State of Madhya Pradesh and others reported in 2025 SCC Online SC 693* and paragraph Nos. 17 and 18 are relevant for the instant case and the same are extracted hereunder :-

17. As to the second question, regarding whether delay is a ground for stopping the departmental proceedings at the stage of the chargesheet itself, suffice it to say that this varies from case to case. However, in the instant case, where there is unexplained, inordinate delay in initiating departmental proceedings despite the alleged misconduct being within the knowledge of the department, but still no departmental proceedings are initiated, the answer must go in favour of the employee. However, there may be cases where the department was not even aware of such irregularities or the misconduct, which is of such a nature that it is indicative based on



WEB COPY



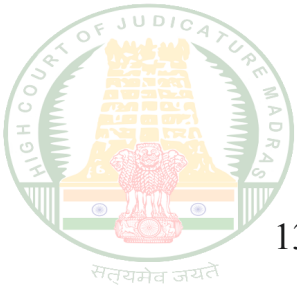
W.P. No.33349 of 2025

material considerations of factors other than merit, such as extraneous influences and gratifications. In such cases, such a delay, by itself would not be a valid ground to scuttle the initiation of the process of departmental proceedings.

18. Reference in this regard can be made to the decision of this court in State of Madhya Pradesh v. Bani Singh, wherein the court noted that there was no reason to interfere with the quashing as the disciplinary proceedings were initiated after 12 years of delay. A reference should also be made to the decision of this Court in P.V. Mahadevan v. MD, T.N. Housing Board, where it has been reiterated that continuing the departmental proceedings after an undue delay would be unjust, causing unnecessary mental distress and damaging the reputation of the employee for the mistakes committed by the department in initiating disciplinary proceedings.

11. The decisions relied upon by the learned counsel for the petitioner, as stated supra are applicable to the instant case.

12. The main argument of the learned counsel for the petitioner is that the petitioner was put to untold hardship specifically by reason of inordinate delay by way of impugned proceedings. This Court finds that in the absence of any justifiable reasons for the inordinate delay, the impugned charge memo / Proceedings deserves to be quashed on the ground of delay and laches that too initiated after the petitioner's acquittal in the criminal case.



W.P. No.33349 of 2025

13. In view of the above discussions and in the light of the law laid down by the Hon'ble Supreme Court as well as by this Court, this Court is of the considered view that the impugned charge memo cannot be sustained as it amounts to abuse process of law.

14. For the aforesaid reasons, the impugned Proceedings in Na.Ka. No.2035/2024/A1 dated 10.07.2025 issued by the 2nd respondent is hereby quashed. Accordingly, this writ petition stands allowed. No costs.

08.09.2025

Speaking order / Non speaking order
Neutral citation : Yes / No

vsi2

To

1. The District Collector,
Salem – 636 001.

2. The Revenue Divisional Officer,
Salem – 636 005.

A.D. JAGADISH CHANDIRA, J.



WEB COPY



W.P. No.33349 of 2025

vsi2

W.P. No.33349 of 2025

08.09.2025