



WEB COPY



W.P.No.31717 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2025

CORAM:

THE HONOURABLE MR.JUSTICE T.VINOD KUMAR

W.P.No.31717 of 2019

A.Glory Gunaseeli

...

Petitioner

Vs

The State of Tamil Nadu,
rep.by the Secretary to Government,
Social Welfare and Nutritious Meal Programme,
Secretariat, Fort St.George,
Chennai – 600 009.

...

Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of certiorari to call for the records of the respondent in its letter No.4605/SW8(2)/2016-6, dated 01.11.2019, and quash the same.

For Petitioner : Mr.N.Balamuralikrishnan

For Respondent : Mr.T.Chandrasekaran,
Spl. Govt. Pleader.



W.P.No.31717 of 2019

WEB COPY

ORDER

Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondent.

2. The case of the petitioner in brief is that she was issued with a Charge Memo, dated 08.06.2020, containing seven articles of charges; that the inquiry officer appointed to conduct inquiry into the aforesaid charges has submitted his report on 12.05.2004, whereby the inquiry officer has found articles of charges Nos.3 and 5 as proved, while articles of charges Nos.1,2,4,6 and 7 as not proved; that even though the inquiry officer submitted a report way back in the month of May,2004, no action has been taken by the respondent thereon; that on the petitioner approaching this Court by filing a writ petition vide W.P.No.7465 of 2019, seeking quashing of the Charge Memo, the respondent filed a counter affidavit; and that this Court, by an order, dated 12.04.2019, directed the respondent to finalise the departmental proceedings.

3. The petitioner further contended that as no action was taken by the respondent pursuant to the orders of this Court, dated 12.04.2019, the petitioner issued a legal notice to the respondent on 23.07.2019, and thereafter filed a contempt petition vide Contempt Petition No.1713 of 2019 to



W.P.No.31717 of 2019

punish the respondent for wilful disobedience, for not concluding the disciplinary proceedings within the time granted by this Court.

4. The petitioner further contends that when the contempt petition was taken up for admission, the respondent filed an affidavit on 29.10.2019, stating as follows :

3...

.
After careful examination the Government have decided to accept the enquiry officer's report and to hold charge Nos.3 and 5 as proved and charge Nos.1,2,4,6 and 7 as not proved

.
For the proven charges, the Government proposes to impose any of the penalties commensurate with the gravity of charges proved against the delinquent officer i.e., petitioner..."

5. It is the further contention of the petitioner that the respondent having informed the court that the Government had decided to proceed against the petitioner on proved charges of Charge Nos.3 and 5 and was proposing to impose penalties commensurate with the gravity of the charges, could not have altered their position by issuing the impugned proceedings two days thereafter, recording disagreement on 01.11.2019 and proposing to proceed against the petitioner on all the articles of charges, which action, it is contended, is in the teeth of the affidavit filed into this Court.



WEB COPY

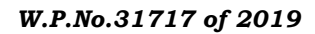
W.P.No.31717 of 2019

6. Contending as above, the petitioner submits that the respondent, having informed this Court by affidavit to proceed only on the proved articles of charge i.e., charge Nos.3 and 5, cannot be allowed to issue the impugned proceedings and, thus, seeks for setting aside the same.

7. Counter affidavit on behalf of the sole respondent is filed.

8. The respondent, by the counter affidavit, contended that on the petitioner approaching this Court by filing Contempt Petition No.1713 of 2019, the Government examined the departmental disciplinary proceedings in detail from the available records and, after careful consideration of the report of the inquiry officer, agreed with the findings of the inquiry officer in so far it relates to articles of charges Nos.3 and 5. In so far as other charges are concerned, the inquiry officer simply held the same as not proved and after discussing the matter with Advisory Department, the Government issued a letter, dated 01.11.2019, to the petitioner, seeking further representation within ten days as per the provisions of Tamil Nadu Civil Services (Discipline and Appeal) Rules. Assailing the said proceedings, the present Writ Petition is filed, wherein this Court had restrained the respondent from proceeding with the other articles of charges, which, as per the inquiry report, are not proved and permitted the authorities to proceed in so far as proved charges viz., Charge Nos.3 and 5.

9. By the counter affidavit, it is further contended that the





W.P.No.31717 of 2019

for explanation from the petitioner under the impugned proceeding.

14. Further, it is important to note that the affidavit filed into this Court on oath is by the same authority and officer, who had issued the impugned proceeding. Thus, it cannot be said that the said authority is not aware of the decision of the Government, when he has filed an affidavit into this Court.

15. Therefore, this Court is of the view that the action of the respondent in issuing the impugned proceeding seeking to proceed against the petitioner on all articles of charges, including those which were found to be not proved, cannot be permitted, as the said authority is estopped from taking a different stand from the one informed to this Court by way of Affidavit filed in contempt case.

16. Accordingly, the impugned proceeding is set aside. The respondent is at liberty to take action in accordance with the inquiry report in respect of the charges, which are held proved.

17. Since this Court, while granting stay against the action of the respondent to proceed with the articles of charges which are held not proved and having permitted the respondent to proceed in respect of the charges proved i.e., Charge Nos.3 and 5, and as on date, as it is stated that no orders are passed, this Court directs the respondent to proceed on the proved



W.P.No.31717 of 2019

charges and complete the entire exercise within a period of twelve weeks from the date of receipt of copy of this order.

18. Writ Petition is disposed of as above. No costs. Consequently, the connected W.M.P.Nos.31924 and 35136 of 2019 are closed.

27.11.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

dixit

To:

The State of Tamil Nadu,
rep.by the Secretary to Government,
Social Welfare and Nutritious Meal Programme,
Secretariat, Fort St.George,
Chennai – 600 009.



WEB COPY



W.P.No.31717 of 2019

T.VINOD KUMAR, J.

dixit

W.P.No.31717 of 2019

27.11.2025