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W.A.Nos.2912, 2914 & 2915 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.09.2025

CORAM :

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR
AND
THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

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1. The State of Tamil Nadu
Rep. by its Secretary to Government
Revenue and Disaster Management Department
Fort St. George, Chennai – 600 009.
 2. The Additional Chief Secretary /
Commissioner of Revenue Administration
Commissionerate of Revenue
Administration & Disaster Management
Ezhilagam, Chennai 600 005. .. Appellants
in all W.As
- Vs.
- K.Baskar .. Respondent
in all W.As

Prayer in W.A.No.2912 of 2025: Appeal filed under Clause 15 of the Letters Patent, against the order dated 10.09.2025 made in W.M.P.No.37936 of 2025 in Rev.Aplw.Sr.No.140419 of 2025;

Prayer in W.A.No.2914 of 2025: Appeal filed under Clause 15 of the Letters Patent, against the order dated 10.09.2025 made in W.M.P.No.37840 of 2025 in Rev.Aplw.Sr.No.140757 of 2025; and

Prayer in W.A.No.2915 of 2025: Appeal filed under Clause 15 of the Letters Patent, against the order dated 10.09.2025 made in W.M.P.No.37828 of 2025 in Rev.Aplw.Sr.No.140399 of 2025.



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For the Appellants : Ms.Dakshayani Reddy
in all W.As Senior Counsel
for Mr.E.Vijay Anand
Additional Government Pleader

For the Respondent : Mr.R.Selvakumar
in all W.As for Mr.M.Marudhachalam

COMMON JUDGMENT

(Judgment of the Court was made by R.SURESH KUMAR, J.)

Since all these writ appeals arise out of the common order passed by the Writ Court dated 10.09.2025 in dismissing W.M.P.Nos.37936, 37840 & 37828 of 2025 in Rev.Aplw.Sr.Nos.140399, 140757 & 140419 of 2025, all these writ appeals were heard together and are disposed of by this common order.

2. That the respondent in all the writ appeals was the employee of the appellant Department, against whom, Disciplinary Proceedings were initiated under more than one charge memo. He filed three writ petitions, that is W.P.Nos.22490, 22494 and 22499 of 2024, where, he sought quashment of the charge memo in two cases and to set aside the order passed by the employer by not permitting him from retiring on superannuation in one case.

3. All these writ petitions were heard together and were



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disposed of by the common order passed by the Writ Court dated 24.10.2024, whereby, the learned Writ Court allowed all these writ petitions.

4. As against the allowing of these writ petitions by the common order dated 24.10.2024, three review applications were filed in Rev.Aplw.Sr.Nos.140399, 140757 & 140419 of 2025 by the appellants. Since there has been a delay of 278 days in filing each of such review applications, W.M.P.Nos.37936, 37840 & 37828 of 2025 have been filed to condone such delay.

5. W.M.P.Nos.37936, 37840 & 37828 of 2025 were taken up and disposed, where, the merits of the review applications has been touched upon by the learned Judge through the impugned common order dated 10.09.2025, where, the learned Judge since has found that there has been no apparent error on the face of the record, held that there was no reason to condone the delay, that too, according to the learned Writ Court, a huge delay, therefore, the condone delay petitions were dismissed, as against which, these three intra-Court appeals have been directed.

6. Heard *Ms.Dakshayani Reddy*, learned Senior Counsel



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appearing for *Mr.E.Vijay Anand*, learned Additional Government Pleader for the appellants and *Mr.R.Selvakumar*, learned counsel appearing for *Mr.M.Mardhachalam*, learned counsel for the respondent in all these appeals.

7. We have gone through the impugned order passed by the Writ Court dated 10.09.2025 in the review jurisdiction, where, as per the facts that have been recorded in the impugned order, the pendency of the charge memo dated 14.02.2018 has not been brought to the notice of the learned Writ Court at the time of disposal of the main writ petitions and that non-disclosure cannot be attributable on the part of the writ petitioner, since he was under the impression that as against the suspension order made against him, since he successfully filed a writ petition in W.P.No.32583 of 2017 by the order dated 19.12.2019, which was also confirmed by the Division Bench in W.A.No.2291 of 2022 dated 13.10.2022, nothing survived in the earlier charge memo dated 14.02.2018. Therefore, based on such impression, which was gathered by the writ petitioner, the writ petitioner cannot be blamed that he has not brought to the notice of the Court, at the time of disposal of the writ petitions, about the pendency of the charge memo dated 14.10.2018.



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8. Further, the learned Judge was of the view that, the orders passed by the Writ Court in the common order dated 24.10.2024, since has not been complied with, contempt petition has been filed, where, notice has been ordered and the respondents in the contempt petition were directed to appear before this Court and only at that juncture, since these review applications were filed for condonation of delay, that was also taken as one of the ground which did not impress the Writ Court in accepting the reasons for the delay and therefore, for both the reasons, the learned Judge has dismissed all the condone delay petitions at the SR stage of the review applications through the impugned order.

9. Insofar as the pendency of the charge memo dated 14.12.2018 is concerned, it is a fact that the charge memo is either pending or the enquiry has been completed pursuant to the charge memo and the Enquiry Officer has given a report and this factor also had been brought to the notice of the Division Bench while passing orders in W.A.No.2291 of 2022 dated 13.01.2022. When that being the position, it has never been the stand of the appellant State that the Disciplinary Proceedings have already been concluded in favour of the delinquent respondent/writ petitioner and it was



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also not the stand of the appellant State before the Writ Court, or at the time of hearing of the condone delay petitions in the review applications at the SR stage, that the charge memo dated 14.02.2018 has already been concluded.

10. It is further to be noted that, merely because wrong impression has been gathered by the writ petitioner by assuming that the indulgence shown by the Writ Court in the first round of litigation has been confirmed by the Division Bench against the suspension order and merely the suspension order has been revoked and set aside, that would automatically entitle the writ petitioner to claim privilege that the Disciplinary Proceedings itself has been concluded or quashed, such impression cannot, in any way, stand before the appellant State in pursuing their case on merits to state that the Disciplinary Proceedings since were pending pursuant to the charge memo dated 14.08.2018, that factor should have impressed the mind of the Court at the time of disposal of the writ petitions and therefore, such factor, since has not been brought to the notice of the learned Writ Court at the time of disposal of the writ petitions, that was an error apparent on the face of the record and of course, for such error, the reason is attributable on the part of the appellant State as well as the writ petitioner.



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11. At any rate, since that error has occurred on that ground, the review applications have been filed. However at the threshold, i.e., at the condone delay stage, since it is dismissed, we are of the view that the order impugned is liable to be interfered with.

12. Resultantly, the order passed by the Writ Court in W.M.P.Nos.37936, 37840 & 37828 of 2025 in Rev.Aplw.Sr.Nos.140399, 140757 & 140419 of 2025 dated 10.09.2025 is hereby set aside with a request to the learned Writ Court to take up the main review applications and decide the same on merits at the earliest.

13. It is made clear that, insofar as the merits of the review applications filed in this regard by the appellants is concerned, it could be canvassed by both parties before the Writ Court and to that extent, we have not expressed any view in our order.

14. With these observations and directions, the writ appeals



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are ordered accordingly. However, there shall be no order as to costs. Consequently, C.M.P.Nos.23570, 23581 & 23588 of 2025 are closed.

(R.S.K., J.) (H.C., J.)
24.09.2025

Speaking Order/Non-Speaking Order
Neutral Citation:Yes/No
Internet:Yes/No
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To:

1. The Secretary to Government
The State of Tamil Nadu
Revenue and Disaster Management Department
Fort St. George, Chennai – 600 009.
2. The Additional Chief Secretary /
Commissioner of Revenue Administration
Commissionerate of Revenue
Administration & Disaster Management
Ezhilagam, Chennai 600 005.



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R. SURESH KUMAR, J.
AND
HEMANT CHANDANGOUDAR, J.
(drm)

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