



WEB COPY

WP No. 40990 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-11-2025

CORAM

THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN

WP No. 40990 of 2025

and

WMP No.45948 of 2025

R.Thirumalakannan

Petitioner

Vs

1. The District Collector
Nagapattinam District
Nagapattinam

Respondent

PRAYER Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus call for the records of the respondent in connection with the impugned charge memo issued by him in Na.Ka. 3178 / 2020 / Oo. Va 3 dated 19.09.2020 and to quash the same and to grant all consequential service and monetary benefits.

For Petitioner(s): Mr.S.Sivakumar

For Respondent: Mr.S.Yashwanth, AGP

ORDER

This Writ Petition has been filed challenging the order passed by the



respondent dated 19.09.2020 thereby framed charges under Section 17(A) of the Tamil Nadu Civil Servants (D & A) Rules.

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2. Heard the learned counsel for both sides and perused the materials available on record.

3. The petitioner joined the service as Junior Assistant in the Rural Development and Panchayat Road Department on 03.02.1987. Subsequently, he was promoted to the post of Assistant and thereafter as Block Development Officer. While being so, on 30.05.2024, the petitioner was suspended on the allegation that he had failed to implement and inspect various Central and State Government schemes, and he was not permitted to retire from service on attaining the age of superannuation.

4. For the alleged lapses committed by the petitioner, he was served with a Charge Memo dated 19.09.2020 under Rule 17(a) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, consisting four charges. Thereafter, the petitioner was issued a show cause notice to submit his explanation. He submitted his explanation on 08.10.2020 denying the charges levelled against him. On receipt of the same, the respondent failed to pass any orders till date. The departmental action was initiated only under Rule 17(a) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, and the petitioner has also



submitted his explanation denying the charges levelled against him. Therefore, the respondent ought to have completed the departmental proceedings within a reasonable time. Further, the petitioner had earlier approached this Court in W.P.No.18969 of 2024, seeking a direction to pass the final order in the departmental proceedings. This Court considered the writ petition and, by order dated 16.07.2024, directed the respondent to pass a final order within a period of 12 weeks from the date of receipt of a copy of the order. However, even after the lapse of one year from the date of the said order, the respondent has failed to pass any order till date.

5. The learned counsel for the petitioner relied upon a judgment of the Hon'ble Division Bench of this Court reported in **(2010) 3 MLJ- State of Tamil Nadu rep by its Secretary to Government, Personnel and Administrative Reforms (Q) Dept, Chennai -600009 and Another Vs. T.Ranganathan**. The relevant portion of the said judgment is extracted hereunder as follows:-

“23. We are conscious of the fact that if there is non-cooperation of the delinquent officer to comply with the time limit fixed by the Court/Tribunal to complete the enquiry and pass final orders in disciplinary proceedings, the Department cannot be blamed. In such contingency it is for the Department to point out the non-cooperation on the part of the delinquent officer in finalising the proceeding and the hardships faced by the Department in not strictly adhering to the time schedule due to the fault of the delinquent officer or for any valid reason and get appropriate orders seeking extension of time. At this



juncture, it is relevant to point out that even if the time granted originally to complete the enquiry is over; nothing prevented the Department from filing appropriate application after expiry of the time. It is now well settled in law that application seeking extension of time can be filed and the Court are having inherent powers to grant further time, even though the original time granted got expired, based on the principles of invoking inherent powers to meet the ends of justice. In this case, there is no whisper about the non-cooperation of the petitioner in conducting the enquiry and completing the enquiry within the time. Hence the Department is bound to comply with the directions issued by the Tribunal in O.A.No.1535 of 2003.

25. Having regard to the nature of the allegations levelled against the petitioner as well as the non-compliance of the order of the Tribunal by the Department; the mental agony and hardships faced by the petitioner in this case from the year 2001; having regard to the fact that the petitioner is due to retire from service on 30.4.2010 on attaining the age of superannuation; taking into consideration the dropping of similar charge framed against one R.Indirani Naidu, Section Officer, Municipal Administration and Water Supply Department, on the same day, for the same lapse under Rule 17(b), by the first respondent by issuing G.O.(3D)No.15 P&AR Department dated 21.12.2005; and in view of the fact that against some of the higher officials the charges having been disposed of by issuing Censure, we hold no useful purpose will be served in continuing with the proceedings against the petitioner alone. Therefore, we are constrained to quash the impugned charge memo and allow W.P.No.853 of 2005.”

6. Thus, in view of the above-cited judgment, the respondent ought to have sought an extension of time to pass the final orders after the lapse of the period stipulated by this Court. However, the respondent failed to do so. That



apart, it is not the case of the respondent that the petitioner has been non-cooperative in the enquiry. Further, the charge memo has been pending since 19.09.2020 for the alleged occurrences that took place between 2017 and 2020.

Therefore, the impugned charge memo cannot be sustained, as no useful purpose would be served in continuing the proceedings against the petitioner.

7. In view of the above, the impugned charge memo issued by the respondent on 19.09.2020 is quashed. The respondent is directed to allow the petitioner to retire from his service and disburse all his terminal benefits within a period of 12 weeks from the date of receipt of a copy of this order.

8. Accordingly, this Writ Petition is allowed. No costs. Consequently, the connected Miscellaneous Petition is closed.

Shr

05-11-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

The District Collector
Nagapattinam District
Nagapattinam



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G.K.ILANTHIRAIYAN J.

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