



WEB COPY



W.P.No.46156 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.12.2025

C O R A M

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.46156 of 2025
and W.M.P.No.51480 & 51483 of 2025

P.Selvakumar

... Petitioner

Vs

1.The Principal Secretary to Government
Municipal Administration and Water
Supply Department,
Fort St.George, Secretariat,
Chennai-600 009.

2. The Director of Municipal Administration,
No.75, Santhome High Road,
MRC Nagar, Raja Annamalaipuram,
Chennai-600 028.

3.The Commissioner,
Vellore City Municipal Corporation,
Vellore-632 401.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned 2nd charge memo issued by the 2nd Respondents to consider his name for promotion as Executive Engineer, till charge sheeted in the Criminal case, within a reasonable period as may be fixed by this Hon'ble Court.



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For Petitioner : Mr.T.Ranganathan
for Mr.S.N.Ravichandran

For Respondents : Mr.M.Suresh Kumar,
Additional Advocate General
Assisted by
Mr.C.Selvaraj,
Additional Government Pleader
for RR-1 & 2

: Mrs.Dakshayani Reddy, Senior Counsel
for M/s.P.S.Prabhu for R-3

ORDER

Aggrieved by the impugned charge memo dated 27.11.2024 issued by the 2nd respondent, the petitioner is before this Court.

2. Brief facts that are necessary for disposal of this Writ Petition are follows:-

a) The petitioner, who has been working as Assistant Executive Engineer was placed under suspension based on the report submitted by the Commissioner, Ranipet Municipality. The said suspension was subsequently revoked by the Director of Municipal Administration by order dated 06.02.2023. Thereafter, a show cause notice under Rule 17(a) of the Tamil Nadu Municipal Service (Discipline and Appeal) Rules, 1970 was issued on 17.12.2024. Though the petitioner had submitted his reply to the show cause notice, instead of issuing charge memo under Rule 17(a) of the Act, the respondents issued an order of punishment imposing a penalty of “Stoppage of increment for a period of one year without cumulative effect”.



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b) Subsequently, on 02.02.2021, on the basis on the enquiry conducted by the DVAC Inspector, DE notice came to be issued alleging that the petitioner is in possession of unaccountable wealth in the form of money, gold and silver and immovable assets. In connection with this, an FIR was registered against the Petitioner however, the petitioner obtained Anticipatory Bail in CrI.O.P.No.24896 and 25017 of 202 dated 23.12.2021. Whiles, the second impugned charge memo has come to be issued. Aggrieved by which, the present Writ Petition has been filed.

3. Learned Senior Counsel appearing for the petitioner submitted that the impugned charge memo is vague and bald as it neither contains the particulars of the alleged misconduct said to have been committed by the petitioner nor encloses the Annexure IV, namely, the list of witnesses. He further submitted that the issuance of 2nd charge memo on the same set of facts which formed the basis for registration of FIR is impermissible and thus the impugned charge memo suffers from error and is contrary to the provisions of Rule 17(b) of the Tamil Nadu Civil Services (Disciplinary and Appeal) Rules, 1955.



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4. Learned Additional Advocate General appearing for the respondents submitted that, pursuant to the direction of this Court, the 2nd respondent appeared before this Court and agreed to withdraw the alleged defective charge memo and sought liberty to issue fresh charge memo strictly in terms of Rule 17(b) of the Tamil Nadu Civil Services (Disciplinary and Appeal) Rules, 1955.

5. In view of the above, there shall be a direction to the respondents to withdraw the present impugned charge memo dated 27.11.2024 and thereafter, issue a fresh charge memo under relevant rules and proceed with the enquiry in the manner known to law. The petitioner is directed to co-operate with the enquiry to be conducted by the respondents.

6. The Writ Petition stands disposed of with the aforesaid direction. There shall be no order as to costs. Consequently, the connected Miscellaneous Petitions are closed.

17.12.2025

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No

Nhs



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This Petition has been listed under the Caption “For being mentioned” at the instance of Registry.

2. It is brought to the notice of this Court that, a typographical error crept in the prayer portion of the order dated 17.12.2025, wherein a particular line has inadvertently been omitted to be typed. Therefore, it is prayed that necessary corrections may be made in the said order.

3. Having regard to the aforesaid and upon careful perusal of the case bundle, this Court finds that an error pointed out by Registry appears to be typographical in nature. Accordingly, the prayer portion of the order dated 17.12.2025 shall stand replaced as under:-

*“**Prayer:** Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus calling for the records relating to the impugned 2nd charge memo issued by the 2nd Respondent in Roc.No.29438/2021/VI dated 27.11.2024 and quash the same and consequently to direct the 1st and 2nd Respondents to consider the name for promotion as Executive Engineer, till charge sheeted in the criminal case, within a reasonable period as may be fixed by this Hon’ble Court.”*



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4. Registry is directed to carry out the aforesaid correction in the order dated 17.12.2025 and issue fresh order copies to the parties.

20.02.2026

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