



WP(MD). No.4063 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 24.10.2025

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THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

WP(MD). No.4063 of 2025

and

WMP(MD)No.2913 of 2025

G.Raja,

... Petitioner

Vs.

1. The State of Tamilnadu,
Represented by its Principal Secretary,
Revenue and Disaster Management Department,
Chennai - 600 009.

2. The District Collector,
Sivagangai District.

3. The District Educational Officer,
(Elementary Education),
Sivagangai District.

4. The Block Educational Officer - II,
Kalaiyarkovil, Sivagangai District.

5. The Headmaster,
Panchayat Union Middle School,
Mudukarai, Kalaiyarkovil,
Sivagangai District.

... Respondents



WP(MD). No.4063 of 2025

PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the records of the impugned G.O.(2D)379 dated 12.11.2024 on the file of the 1st respondent and quash the same.

For Petitioner : Mr.G.Prabhu Rajadurai,

For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader

ORDER

This Writ Petition is filed challenging the impugned G.O.(2D) No. 379, dated 12.11.2024 on the file of the 1st respondent.

2. The learned counsel for the petitioner would submit that in the year 2019, proceedings were initiated against the petitioner as if he had encroached the property, against which, the petitioner had also preferred a revision before the first respondent and the same is pending. With regard to the very same issue, a civil suit is also pending on the file of the learned District Munsif, Sivagangai in O.S.No.24 of 2021. The petitioner was also placed under suspension and the order of suspension was quashed by this Court. He would further submit that a charge memo



WP(MD). No.4063 of 2025

was issued to him on 03.12.2020 by the third respondent on the allegations of encroachment and obtaining the patta. In the present impugned order, the first respondent directed that disciplinary proceedings be initiated against the petitioner and another graduate teacher through a common proceedings and appointed the Principal Secretary to Government, Revenue and Disaster Management Department as the disciplinary authority for the said common proceedings. He would submit that since already charge memo had been issued by the first respondent as early as in the year 2020, the present impugned order is wholly without any authority and that the first respondent is not the appointing authority and the disciplinary authority in respect of the petitioner, that too, when the proceedings against the encroachment is pending with the first respondent and also pending consideration in a civil proceedings before the competent civil Court and therefore, he seeks interference of this Court.

3. Countering his arguments, the learned Additional Government Pleader would submit that a Division Bench of this Court in its order dated 23.12.2020 in W.P.(MD)No.9694 of 2020 initiated by the



WP(MD). No.4063 of 2025

petitioner, had *prima facie* found that the revenue officials and the petitioner had committed an offence of criminal misconduct, dishonesty by fraudulently grabbing the Government property and also had directed the Vigilance and Anti Corruption Department, Sivagangai, to register a case and proceed with an enquiry to find out persons who are responsible for conversion of Government lands to ineligible person. Pursuant thereto, a criminal case has been registered against the petitioner and others in Crime No.645 of 2020 on the file of the Kalaiyarkoil police station, Sivagangai District. He would submit that against the order of the Writ Court setting aside the order of suspension, an intra-Court appeal is pending before this Court and as the delinquent officers are serving in two different Departments and they jointly committed delinquency by invoking power under Rule 9(A) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, the Government Order has been issued and therefore, there is no error in the order impugned in this writ petition. Therefore, he prays this Court to dismiss the writ petition.

4. I have heard the learned counsel on either side and perused the material available on record.



WP(MD). No.4063 of 2025

5. It is an undisputed case that the petitioner had been issued with a charge memo as early as in the year 2020. This Court in W.P.(MD)No. 9694 of 2020 had given a categorical finding that the petitioner and the other official who belonged to the Revenue Department have committed offence of criminal misconduct, dishonesty by fraudulently converting certain Government properties in favour of not only the petitioner, but, also others.

6. First proviso to Rule 9(A) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules envisaged that in a particular case, when there are more than one Government servants belonging to different Departments, who had jointly involved in a delinquency, then, the appropriate authority would be the Government to initiate disciplinary proceedings and impose any penalty specified under Rule 8 and that in such cases, the Administrative Department of the Secretariat in respect of the Government servant, who holds the highest post will initiate a disciplinary proceedings and issue final orders. For better appreciation, the said Rule is extracted hereunder:



WP(MD). No.4063 of 2025

“9A. Authority Competent to institute Disciplinary Proceedings where more than one Government Servant is involved:

In any case where more than one Government servant of the same Department are jointly involved or whose cases are interconnected, the authority competent to institute disciplinary proceedings shall be the immediate higher authority in that Department in respect of the Government servant who holds the highest post among such Government servants and the disciplinary proceedings against all of them shall be taken together. Where inquiry is to be conducted in terms of rule 17(b), the said authority may either himself conduct the inquiry or get the inquiry conducted by an Inquiring Officer appointed by the authority competent to impose major penalty in respect of the Government servant who holds the highest post among such Government servants. The said authority shall remit the case, at the appropriate stage, to the authority competent to impose any of the penalties specified in rule 8 in respect of the Government servant who holds the highest post among such Government servants in that Department for passing final orders.



WP(MD). No.4063 of 2025

Provided that in the case of Government Servants belonging to different departments who are jointly involved or whose cases are interconnected, the Government shall be the authority competent to initiate disciplinary proceedings and impose any of the penalties specified in rule 8 and in such cases the administrative department of Secretariat in respect of the Government servant who holds the highest post will initiate such disciplinary proceedings and issue final orders after complying with the entire procedure laid down in these rules.

Provided further that this rule shall not apply to cases in which officers coming under the administrative control of the Chief Secretary to Government are jointly involved.”

7. Since the petitioner had been involved in the delinquency, the petitioner, who belongs to the Education Department, had involved in delinquency with other officer, who involved in the other Departments, this Court finds no infirmity in the order impugned herein, requiring any interference.



WP(MD). No.4063 of 2025

8. For the aforesaid reasons, the writ petition fails and accordingly, is dismissed. No order as to costs. Consequently, connected Miscellaneous Petition is closed.

24.10.2025

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

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Sivagangai District.

3. The District Educational Officer (Elementary Education),
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WP(MD). No.4063 of 2025

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WP(MD) No.4063 of 2025

24.10.2025