



WP.(MD)No.4309 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.12.2025

CORAM :

THE HON`BLE MR.JUSTICE B.PUGALENDHI

WP.(MD)No.4309 of 2024

and

WMP.(MD)No.4142 of 2024

Dr.R.Sumathi

... Petitioner

Vs.

1.The State of Tamil Nadu

Rep.by its Secretary

Department of Health and Family Welfare

Fort St.George, Chennai-600 009.

2.The Director of Public Health

and Preventive Medicine,

Anna Salai, DMS Campus,

Teynampet, Chennai-6000006.

3.The Commissioner,

Coimbatore City Municipal Corporation,

Coimbatore-641 001.

4.The Commissioner,

Thoothukudi City Municipal Corporation,

113, Palai Road, Thoothukudi-628002.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorari, to call for the records relating to the impugned proceedings issued by the third respondent Commissioner in Memo in Na.Ka.No.2756/2013/MC3 dated 26.04.2013 and charge memo in Na.Ka.No.2756/2013/MC3 dated 17.05.2013 and quash the same.

For Petitioner	: Mr.S.Xavier Rajini
For R1 & R2	: Mr.C.Venkatesa Kumar, Special Government Pleader.
For R3	: Mr.S.Vinayak
For R4	: Mr.N.Anandhakumar

ORDER

This writ petition has been filed as against the charge memo issued against the petitioner on 26.04.2013 and 17.05.2013.

2.The petitioner was initially appointed in Primary Health Centre in Villupuram District. On deputation, she has been posted as Health



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Officer in Coimbatore Corporation on 16.10.2012. During his service in Coimbatore Corporation, he has indulged in certain irregularities, for which, disciplinary proceedings was initiated under Rule 17(a) of the Tamil Nadu Civil Services Discipline and Appeal Rules, 1955 and charge memo was issued on 26.04.2013 and for another delinquency, yet another disciplinary proceedings was initiated under 17(b) of the Tamil Nadu Civil Services Discipline and Appeal Rules, 1955 and charge memo was issued on 17.05.2013. These two charge memo have been challenged in this writ petition.

3.The learned counsel appearing for the petitioner has attacked the charge memos that the petitioner was relieved from Coimbatore Corporation on 26.04.2013. However, the Corporation officials have issued the charge memo under Rules 17(a) and 17(b) of the Tamil Nadu Civil Services Discipline and Appeal Rules, 1955, after his relieving from Coimbatore Corporation. Therefore, according to the learned counsel, the Corporation Officials of Coimbatore Corporation are not competent to issue the charge memo and these charge memos dated 26.04.2013 and



17.05.2013 are without jurisdiction. The learned counsel for the petitioner has also relied on the judgment of the Hon'ble Supreme Court in Khemi Ram Vs. State of Punjab and another reported in AIR 1976 SC 1737, and another judgment reported in (2015) 16 SCC 415 and submits that once the petitioner has been relieved from the Coimbatore Corporation, the Officials of the Coimbatore Corporation are not supposed to initiate disciplinary proceedings as against the petitioner. The learned counsel by referring to the judgment of the year 2015 submits that there cannot be any proceedings beyond the period of one year and the disciplinary proceedings, if any, ought to have been completed within a reasonable period of one year. In this case, the disciplinary proceedings initiated in the year 2013 is kept pending for the past 12 years. He also submits that the petitioner has retired from service.

4.The learned Special Government Pleader and the learned counsel appearing for the respondent Corporation submit that though the petitioner was relieved from the Coimbatore Corporation on 26.04.2013, the charge memo under Rule 17A has been served on the same day.



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With regard to the other charge memo, it was served on 17.05.2013. The learned counsel by referring to the affidavit filed by the petitioner submits that the petitioner himself has admitted in his affidavit that he has received the charge memos dated 26.04.2013 and 17.05.2013 respectively, on 25.05.2013. Having received the charge memo on 25.05.2013, the petitioner kept quiet all these years and prepared to file this writ petition only in the year 2024. The learned Special Government Pleader submits that yet another charge memo was also issued as against the petitioner on 31.12.2024. According to the learned Special Government Pleader and learned counsel for the respondent Corporation, this writ petition is liable to be dismissed on the ground of delay and laches. The learned counsels have also taken a plea with regard to the territorial jurisdiction by which this writ petition has been filed for the charge memo issued by the Coimbatore Corporation.

5.This Court has considered the submission made on the either side and perused the available materials placed on record.



6.It is a settled position of law that the charge memo can be questioned, only if it is issued without any authority with malafides or the charges are vague. In this case, for the charge memo issued in the year 2013, the petitioner has preferred this writ petition in the year 2024. As rightly pointed out by the learned Special Government Pleader, the charge memo was issued by the Coimbatore Corporation for the delinquency committed by the petitioner in the Coimbatore Corporation. Mere because the petitioner has been relieved from the Coimbatore Corporation on 26.04.2013, he is not entitled to take a ground that the Department is prevented from taking further course of action as against the petitioner for the delinquency committed during his service in the Coimbatore Corporation.

7.This Court is also surprised the manner in which the charge memo, which was issued in the year 2013 is kept pending without any progress, enabling the petitioner to get an interim order by filing the present writ petition in the year 2024. Therefore, this writ petition is dismissed with a direction to the respondents to conclude the



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disciplinary proceedings within a period of 3 months from the date of receipt of a copy of this order. The petitioner shall also be provided reasonable opportunity during the enquiry. No costs. Consequently, connected miscellaneous petition is closed.

08.12.2025

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

- 1.The Secretary
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- 2.The Director of Public Health
and Preventive Medicine,
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