



W.P.(MD)No.7837 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 21.03.2025

CORAM

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.(MD)No.7837 of 2025
and
W.M.P(MD)No.5938 and 5940 of 2025

J.Amala Jessi Jacquillin

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Represented by its Principal Secretary,
Rural Development and Panchayat Raj Department,
Secretariat, Chennai - 600 009.
- 2.The Director of Rural Development and Panchayat Raj,
Panagal Building, Saidapet,
Chennai - 600 015.
- 3.The District Collector,
Tirunelveli District,
Tirunelveli.
- 4.The District Collector,
Thoothukudi District,
Thoothukudi.
- 5.A.Murugan,
Enquiry Officer,
Former Executive Engineer (Rural Development),
District Rural Development Agency,
Tirunelveli.

... Respondents



W.P.(MD)No.7837 of 2025

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, calling for the records relating to the impugned proceedings of the charge memo No.N5/33470/2018-2, dated 10.09.2020 of the third respondent and quash the same.

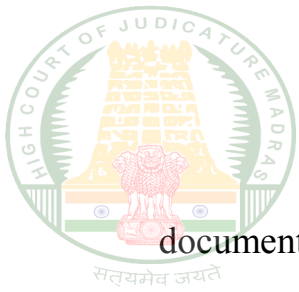
For Petitioner : Mr.V.R.Shanmuganathan

For R1 to R4 : Mr.Veera Kathiravan
Additional Advocate General
Assisted by Mr.N.Satheesh Kumar
Additional Government Pleader

ORDER

This writ petition has been filed challenging the proceedings of the charge memo dated 10.09.2020 of the third respondent.

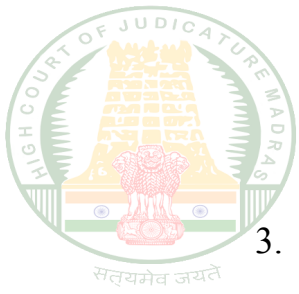
2. The petitioner is working as Assistant Executive Engineer in the Roads and Bridges Department. She is due to retire on 30.06.2025. While she was working Assistant Executive Engineer (Rural Development), Thoothukudi Sub Division, Thoothukudi District, the third respondent issued charge memo, dated 10.09.2020 framing three charges against the petitioner. On receipt of the said charge memo on 08.10.2020, the petitioner requested the third respondent to furnish the copies of the records in support of the charges vide her representations, dated 02.11.2020, 30.04.2021 and 15.02.2023. But the said



W.P.(MD)No.7837 of 2025

WEB
COM

documents are not furnished to the petitioner. However, after perusing the relevant records in respect of other delinquent officers, the petitioner submitted an explanation to the charges on 18.10.2023. Before receipt of the explanation from the petitioner, the third respondent had appointed an enquiry officer vide proceedings, dated 10.12.2021. But he had not taken any steps to conduct the enquiry during his tenure as enquiry officer for more than a year. Then, he had gone on transfer. The third respondent issued proceedings on 05.12.2023 appointing the fourth respondent as enquiry officer. But he had not take any steps to conduct enquiry before being transferred to Thoothukudi District. After joining duty in Thoothukudi District, he sent a letter to the third respondent requesting to change the enquiry officer. However, the third respondent rejected his request. As the disciplinary proceedings against the petitioner is pending more than four years, it appears that it will not be completed before the date of retirement of the petitioner on 30.06.2025. The petitioner submitted a representation on 19.02.2025 to the second respondent requesting to change the enquiry officer so as to complete the enquiry on or before 30.06.2025. But no action was taken by the head of the Department. Under these circumstances, the petitioner filed this writ petition challenging the charge memo, dated 02.06.2022 itself.



W.P.(MD)No.7837 of 2025

WEB

3. The learned Additional Advocate General appearing for the respondents 1 to 4 submits that the petitioner cannot challenge the charge memo after submitting the explanation to the charges. Due to change of enquiry officer only, the delay caused in concluding the disciplinary proceedings initiated against the petitioner. The learned Additional Advocate General also brought to the notice of this Court that the criminal case registered against the petitioner was ended in convicting the petitioner for three years by the competent Court of law and in appeal, the appellate Court granted suspension of sentence only. The learned Additional Advocate General submits that the enquiry will be concluded at the earliest.

4. Heard both sides and perused the materials available on record.

5. Considering the facts and circumstances of the case, this Court is not inclined to interfere with the case at this stage as charge memo is under challenge. But at the same time, it is not acceptable to the Court that keeping the enquiry pending for more than two and a half years from the date of charge memo is not reasonable. Considering the fact that the petitioner is due to retired on 30.06.2025, it is reasonable for the respondents to conclude the enquiry



W.P.(MD)No.7837 of 2025

before her retirement. Admittedly, the second enquiry officer was appointed on

WEB 05.12.2023.

6. Under this factual situation, in my considered view, it is appropriate and reasonable to dispose of this writ petition at the stage of admission with the consent of both sides without expressing any opinion on the merits of the case with a direction to the second respondent to take steps to conclude the enquiry within a time frame to be stipulated by this Court to meet the ends of justice.

7. For the reasons stated above, this writ petition is disposed of with the following directions:

1. The second respondent shall take steps to conclude the disciplinary enquiry pending against the petitioner within a period of two months from the date of receipt of a copy of this order.

2. The petitioner shall co-operate with the enquiry officer and the disciplinary authority to conclude the proceedings within a time frame stipulated herein above.



W.P.(MD)No.7837 of 2025

3. The petitioner shall submit web copy of this order

WEB COPY immediately to the second respondent without waiting for the certified copy.

No costs.

Consequently, the connected miscellaneous petitions are closed.

21.03.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
Sn

To:

- 1.The Principal Secretary,
Rural Development and Panchayat Raj Department,
Secretariat, Chennai - 600 009.
- 2.The Director of Rural Development and Panchayat Raj,
Panagal Building, Saidapet,
Chennai - 600 015.
- 3.The District Collector,
Tirunelveli District,
Tirunelveli.



W.P.(MD)No.7837 of 2025

4.The District Collector,
Thoothukudi District,
Thoothukudi.

5.A.Murugan,
Enquiry Officer,
Former Executive Engineer (Rural Development),
District Rural Development Agency,
Tirunelveli.



WEB COPY



W.P.(MD)No.7837 of 2025

BATTU DEVANAND, J.

Sn

W.P.(MD)No.7837 of 2025

21.03.2025