



W.P.(MD)No.7829 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD) No.7829 of 2024

and

WMP (MD) No.7120 of 2024

S.Sulthan Ibrahim

: Petitioner

Vs.

1. The Director,
Animal Husbandry and Veterinary Service
Department,
Chennai - 35.

2. The Assistant Director,
Animal Husbandry Department,
Tirumangalam,
Madurai District.

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the 1st respondent in his proceedings in Na.Ka. No.58310/L1 2012 dated 08.02.2024 and quash the same and direct the respondents to promote the petitioner as superintend with effect from 03.03.2014 and manager with effect from 10.03.2024 ie., from the date on which his junior was given promotion with all the consequential benefits.



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For Petitioner : Mr.V. Panneer Selvam
For Respondents : Mr.K.Balasubramani
Special Government Pleader

ORDER

This Writ Petition has been filed challenging the punishment of stoppage of increment for three months without cumulative effect imposed on the petitioner, as per the impugned order passed by the first respondent dated 28.02.2024 and for a consequential direction to the respondents to restore the petitioner's service benefits and consider him for promotion with all consequential benefits.

2. The learned counsel for the petitioner submitted that the petitioner was appointed as Junior Assistant on 02.03.1998 and after multiple transfers, he was promoted as Assistant on 01.02.2008. On 12.01.2009, pursuant to a modified transfer order dated 11.12.2008, the petitioner was posted to the office of the Assistant Director, Animal Husbandry Office, Pollachi. While discharging duties at the new place, the petitioner was served with a charge memo dated 06.03.2009 (received on 24.03.2009) containing two charges. An Inquiry Officer was

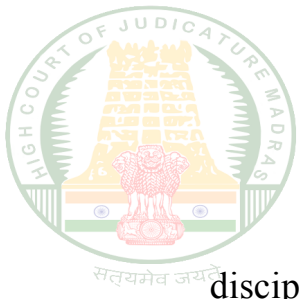


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appointed on 21.07.2010. The contention of the learned counsel for the petitioner is that the inquiry was conducted without proper notice or opportunity to the petitioner and concluded without the petitioner's participation. Notably, the Inquiry Officer examined a witness not listed in the charge memo and made unwarranted comments in the report dated 24.11.2010, received by the petitioner on 25.12.2010. Despite a detailed reply dated 11.01.2011, the first respondent imposed a punishment of stoppage of increment for two years with cumulative effect by order dated 23.06.2012. The petitioner filed an appeal on 07.09.2012 and the State, by G.O.(D) No. 40 dated 05.06.2016, directed a fresh inquiry due to procedural violations.

3. The learned counsel for the petitioner further submitted that a new Inquiry Officer was appointed on 10.05.2016. The inquiry was conducted and concluded on 22.09.2016. The report dated 21.10.2016 held the charges proved and in response to that, the petitioner submitted a reply on 29.11.2016. A personal hearing was also held on 30.10.2017. However, only after seven years, on 28.02.2024, the first respondent imposed a modified punishment of stoppage of increment for three months without cumulative effect. Due to the prolonged pendency of



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disciplinary proceedings, the petitioner was denied promotion on 03.03.2014, while his juniors were promoted and subsequently elevated to the post of Manager by 10.03.2024. The petitioner was belatedly promoted only on 07.03.2016.

4. In support of his contentions, the learned counsel for the petitioner relied upon the Division Bench judgment of this Hon'ble Court dated 17.01.2018 in ***Chief Electrical Service Engineer, Union of India v. The Registrar, Central Administrative Tribunal***, wherein this Court held as follows:

“18. On the facts and events narrated above, we are of the view that the writ petition is liable to be dismissed on the sole ground of delay in finalising the disciplinary proceedings initiated against the 2nd respondent/employee. The Tribunal is right in holding that the petitioners/railways had taken a longtime of 10 years to pass final order in the disciplinary proceedings and the same has caused prejudice in conducting a free and fair enquiry and the petitioners/railways have not given satisfactory reason for the enormous delay in concluding the disciplinary proceedings. Further, we are



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unable to accept the reason given by the petitioners/railways that the proceedings before the Judicial Magistrate in C.C.No.506 of 1999 was pending. It is pertinent to point out that criminal was initiated in the year 1999 and ended on 09.09.2000 itself, acquitting the 2nd respondent from the case. This fact had been brought to the notice of the petitioners/railways by the 2nd respondent/employee, immediately. Further, there is no bar in conducting simultaneous proceedings, both departmental and criminal proceedings. There is no record to show that the petitioners/railways have passed any order not to proceed further in the departmental proceedings till the disposal of the criminal case. Further, though the criminal case has ended in acquittal as early as in 2000 itself, even thereafter the petitioners/railways have taken nine more years in concluding the departmental proceedings.

19. The Hon'ble Supreme Court in a decision reported in *(1998) 4 SCC 154* in the case of *State of Andhra Pradesh v. N.Radhakrishnan*, at Paragraph 19, held as follows:

"19. It is not possible to lay down any predetermined principles applicable to all cases



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and in all situations where there is delay in concluding the disciplinary proceedings. Whether on that ground that disciplinary proceedings are to be terminated each case has to be examined on the facts and circumstances in that case. The essence of the matter is that the court has to take into consideration all the relevant factors and to balance and weigh them to determine if it is in the interest of clean and honest administration that the disciplinary proceedings should be allowed to terminate after delay particularly when the delay is abnormal and there is no explanation for the delay. The delinquent employee has a right that disciplinary proceedings against him are concluded expeditiously and he is not made to undergo mental agony and also monetary loss when these are unnecessarily prolonged without any fault on his part in delaying the proceedings. In considering whether the delay has vitiated the disciplinary proceedings the court has to consider the nature of charge, its complexity and on what account the delay has occurred. If the delay is unexplained prejudice to the delinquent employee is writ large on the face of it. It could also be seen as to how much the disciplinary authority is serious in pursuing



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the charges against its employee. It is the basic principle of administrative justice that an officer entrusted with a particular job has to perform his duties honestly, efficiently and in accordance with the rules. If he deviates from this path, he is to suffer a penalty prescribed. Normally, disciplinary proceedings should be allowed to take their course as per relevant rules but then delay defeats justice. Delay causes prejudice to the charged officer unless it can be shown that he is to blame for the delay or when there is proper explanation for the delay in conducting the disciplinary proceedings. Ultimately, the court is to balance these two diverse considerations."

5. The learned counsel for the petitioner also relied upon another decision of this Hon'ble Court in ***S. Sekhar v. Commissioner of Social Welfare***, dated 23.10.2019 and reported in ***(2010) 1 MLJ 708***, wherein this Court held as follows:

"6a. Learned counsel for the petitioner, in support of his case has relied on the following :

(i) a Supreme Court decision in the case of ***State of Andhra Pradesh vs.***



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***N.Radhakrishnan, AIR 1998 SC 1833 : (1998)
4 SCC 154***

"19. It is not possible to lay down any predetermined principles applicable to all cases and in all situations where there is delay in concluding the disciplinary proceedings. Whether on that ground that disciplinary proceedings are to be terminated each case has to be examined on the facts and circumstances in that case. The essence of the matter is that the court has to take into consideration all the relevant factors and to balance and weigh them to determine if it is in the interest of clean and honest administration that the disciplinary proceedings should be allowed to terminate after delay particularly when the delay is abnormal and there is no explanation for the delay. The delinquent employee has a right that disciplinary proceedings against him are concluded expeditiously and he is not made to undergo mental agony and also monetary loss when these are unnecessarily prolonged without any fault on his part in delaying the proceedings. In considering whether the delay has vitiated the disciplinary proceedings the court has to consider the nature of charge, its complexity and on what account the delay has



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occurred. If the delay is unexplained prejudice to the delinquent employee is writ large on the face of it. It could also be seen as to how much the disciplinary authority is serious in pursuing the charges against its employee. It is the basic principle of administrative justice that an officer entrusted with a particular job has to perform his duties honestly, efficiently and in accordance with the rules. If he deviates from this path, he is to suffer a penalty prescribed. Normally, disciplinary proceedings should be allowed to take their course as per relevant rules but then delay defeats justice. Delay cases prejudice to the charged officer unless it can be shown that he is to blame for the delay or when there is proper explanation for the delay in conducting the disciplinary proceedings. Ultimately, the court is to balance these two diverse considerations."

(ii) a decision of this court reported in the case of *D.Amaladoss vs. The State of Tamil Nadu (2006) 4 MLJ 1360 : 2006 (5) CTC 141, at p.1371 of MLJ:*

"21. Though we cannot re-appreciate the evidence recorded during the course of enquiry conducted by the Enquiry Officer, but we are satisfied on the overwhelming material



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available on record and after going through the entire deposition of P.W.1 and P.W.2 and the explanation offered by the petitioner that the enquiry officer should not have held that the Charge No.1 is proved against the petitioner. As per the judgment relied on by the learned Senior Counsel for the petitioner in Bani Singh case, cited supra, wherein the Supreme Court has interfered with the punishment where there was a delay of twelve years from the date of issuance of the charge sheet and the imposition of penalty. In the present case also, it took nearly six years to complete the enquiry and impose the punishment. Therefore, we are satisfied that the findings with regard to Charge Nos.1 and 2 are to be set aside.

11. Also, it is a settled proposition that while considering whether the delay has vitiated the disciplinary proceedings, the court has to consider the nature of charge, its complexity and on what account the delay has occurred. If the delay is unexplained, prejudice to the delinquent employee is writ large on the face of it. It could also be seen as to how much the disciplinary authority is serious in pursuing the charges against its employee. It is the basic principle of



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administrative justice that an officer entrusted with a particular job has to perform his duties honestly, efficiently and in accordance with the rules. If he deviates from this path, he is to suffer a penalty prescribed. Normally, disciplinary proceedings should be allowed to take its course as per relevant rules; but then, delay defeats justice. Delay causes prejudice to the charged officer unless it can be shown that he is to blame for the delay or when there is proper explanation for the delay in conducting disciplinary proceedings. Ultimately, the court is to balance these two diverse considerations.

12. In the instant case, it appears that there was no delay on the part of the petitioner in concluding the enquiry proceedings. But the respondent has appointed Enquiry Officer at four different points of time to conduct the enquiry. Despite completion of the enquiry, no final order is passed in this matter. In the light of the principle laid down by the Supreme Court, it is clear that the delay is not on the part of the petitioner and it is only on the part of the respondent in concluding the proceedings. Simultaneous proceedings initiated by the Department as well as the criminal proceedings have ended in distinctive



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cause of actions. Therefore, it cannot be stated that the pendency of the criminal cases will cause delay in conclusion of the Departmental proceedings."

Therefore, the entire disciplinary process is vitiated by inordinate delay in conclusion, procedural lapses and violations of the principles of natural justice, which have adversely affected the petitioner's career progression and promotional prospects. Accordingly, the learned counsel for the petitioner prays this Court to quash the impugned proceedings.

6. The respondents have filed the counter-affidavit controverting the averments made that the departmental proceeding is vitiated for inordinate delay in initiation and conclusion of the same. The learned Special Government Pleader, while refuting the submissions of the learned counsel for the petitioner, submitted that the initial charge memo was issued against the petitioner as early as 06.03.2009. After the conclusion of the inquiry, the petitioner was punished with stoppage of the next increment for two years with cumulative effect by order dated 23.06.2012. Subsequently, the petitioner preferred an appeal, which was considered by appointing a new inquiry officer, ultimately resulting in the passing of the final order on 08.02.2024. Therefore, the contention of



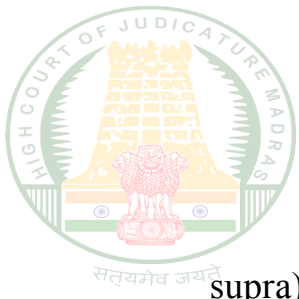
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the learned counsel for the petitioner regarding inordinate delay is baseless and misconceived. Accordingly, he prayed for the dismissal of this writ petition.

7. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing on behalf of the respondents and perused the materials available on record.

8. Upon a thorough perusal of the records and considering the rival submissions of both parties, this Court finds that the disciplinary proceedings initiated against the petitioner are vitiated on multiple grounds, primarily due to inordinate and unexplained delay. The charge memo was issued on 06.03.2009 and after prolonged proceedings, the final order was passed only on 08.02.2024, spanning a period of nearly 15 years. The delay in concluding the proceedings is substantial and remains unexplained by the respondents. Crucially, it is not the case of the respondents that such delay was in any way attributable to the petitioner. This Court is guided by the principle laid down by the Division Bench of this Court in *Chief Electrical Service Engineer, Union of India v. The Registrar, Central Administrative Tribunal* (cited



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supra), wherein it was held that inordinate and unexplained delay in completing disciplinary proceedings, without any fault on the part of the employee, would render such proceedings unsustainable in law. The learned counsel for the petitioner also relied upon the decision in **S. Sekhar v. Commissioner of Social Welfare**, dated 23.10.2019, reported in **(2010) 1 MLJ 708**, wherein this Court reiterated that disciplinary proceedings must be concluded within a reasonable time, failing which the proceedings would stand vitiated, particularly where the delay prejudices the employee's right to promotion and service benefits. Applying the above principles to the present case, this Court is of the considered view that the unjustifiable delay of 15 years, coupled with procedural lapses and prejudice caused to the petitioner, including denial of promotion and seniority benefits, necessitates interference by this Court. Accordingly, this Court is of the considered view that the disciplinary proceeding culminating in the impugned order dated 08.02.2024 is liable to be quashed.

9. In the result, this Writ Petition is allowed with the following directions:



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i) the impugned order dated 08.02.2024, passed by the first respondent, imposing the punishment of stoppage of increment for three months without cumulative effect, is hereby quashed;

ii) the respondents are directed to restore all service benefits to the petitioner;

iii) the respondents shall also consider the petitioner for promotion, with all consequential and monetary benefits, in accordance with law, within a period of eight (8) weeks from the date of receipt of a copy of this order.

No costs. Consequently, the connected miscellaneous petition is closed.

10.07.2025

Index : Yes / No

Internet : Yes / No

PKN

To

1. The Director,
Animal Husbandry and Veterinary Service
Department,
Chennai - 35.

2. The Assistant Director,
Animal Husbandry Department,
Tirumangalam,
Madurai District.

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VIVEK KUMAR SINGH, J.

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