



W.P.(MD)No.10241 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.10.2025

CORAM

THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.10241 of 2023

and

W.M.P.(MD)No.9098 of 2023

I.Iqbal Basha

: Petitioner

Vs.

1.The District Collector,
(Development Section),
Trichirappalli District,
Trichy.

2.The Commissioner,
Mannachanallur Panchayat Union,
Mannachanallur,
Trichy District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records pertaining to the impugned charge memo dated 10.04.2023 in Na.Ka.No.A1/4210/2021 issued by the second respondent and quash the same.

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For Petitioner : Mr.G.Mohan Kumar
For Respondents : Mr.C.Satheesh,
Government Advocate

ORDER

This Writ Petition has been filed challenging the impugned charge memo dated 10.04.2023.

2.The petitioner has challenged the impugned charge memo on the ground of inordinate delay on the part of the respondents in issuing the charge memo. According to the petitioner, the incident, namely the accident happened on 15.02.2006 and the petitioner is also acquitted of the criminal charges by the Criminal Court on 15.06.2007, itself, whereas, after a lapse of almost 17 years, the impugned charge memo came to be passed. Learned Counsel for the petitioner has also placed on record various decisions of this Court including orders passed by me in Writ Petitions, wherein the question of inordinate delay in issuance of charge memo was considered and orders were passed favourably, in favour of the respective petitioners.



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3.The law is now well settled that in cases of inordinate delay in issuance of charge memo on the delinquent, without any proper explanation for the said delay, the impugned charge memo has to be set aside by the Court. In the case on hand, eventhough detailed counter affidavit has been filed by the second respondent, there is no proper explanation given by the respondents for the inordinate delay in issuing the impugned charge memo. It is an admitted fact that there was no stay granted by any Court of law which prevented the respondents from initiating disciplinary proceedings against the petitioner for an incident that happened on 15.02.2006. The petitioner is said to have caused accident due to his rash and negligent driving of the jeep, which resulted in injuries caused to a victim.

4.Admittedly, the Criminal Court has also acquitted the petitioner through its judgment passed on 15.06.2007 itself. The said judgment has also attained finality. The reason given by the respondents that the award in respect of the motor accident claim made by the victim against the respondents was passed by the Motor Accident Claims Tribunal only on 01.03.2017, cannot be a reasonable excuse for issuing the impugned charge memo, which is dated



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10.04.2023. Further, the reason that the earlier charge memo was not issued by the competent authority which resulted in the dropping of the earlier proceedings initiated against the petitioner cannot also be a reasonable excuse for the respondents in not issuing the impugned charge memo on time. For no fault of the petitioner, he cannot be punished. It is also to be noted that despite there being no interim stay granted by this Court, staying the operation of the impugned charge memo, there has been no progress shown by the respondents in the disciplinary proceedings pursuant to the issuance of impugned charge memo though this Writ Petition was filed in the year 2023 itself.

5. In view of the well settled law that the charge memo cannot be issued with an inordinate delay and that too, without giving proper reasons for the said delay, this Court is of the considered view that the impugned charge memo having been issued with an inordinate delay of almost 17 years from the date of the incident, without giving proper reasons for the said inordinate delay, necessarily, the impugned charge memo has to be quashed by this Court. Accordingly, the impugned charge memo dated 10.04.2023 issued by the second respondent is hereby quashed.



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6.Accordingly, this Writ Petition stands allowed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

31.10.2025

Index :Yes / No

Internet : Yes / No

NCC : Yes/No

MR



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To

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Trichy.

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ABDUL QUDDHOSE., J.

MR

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