



WP(MD)Nos.11681 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

RESERVED ON 25.09.2025	PRONOUNCED ON 24.11.2025
---------------------------	-----------------------------

CORAM:

THE HONOURABLE **MR.JUSTICE K.KUMARESH BABU**

W.P.(MD)Nos.11681 & 11682 of 2025 &
WMP (MD).Nos.8629, 8630, 8647,
8649, 8651 & 12030 of 2025

S.Arasu

... Petitioner in both W.Ps.

/vs./

- 1.The State of Tamil Nadu,
Rep., by its Principal Secretary,
Department of Municipal Administration and Water Supply,
Fort St. George, Chennai -600 009.
- 2.The Director of Municipal Administration,
MRC Nagar, No.75, Santhom Highway,
Raja Annamalaipuram,
Chennai – 600 028.
- 3.The Commissioner,
Madurai Municipal Corporation,
Madurai, Madurai District ... Respondents in W.P.(MD).No.11681 of 2025
- 1.The State of Tamil Nadu,
Rep., by its Principal Secretary,
Department of Municipal Administration and Water Supply,
Fort St. George, Chennai -600 009.



WP(MD)Nos.11681 of 2025

2.The Director of Municipal Administration,
MRC Nagar, No.75, Santhom Highway,
Raja Annamalaipuram,
Chennai – 600 028.

3.The Commissioner,
Madurai Municipal Corporation,
Madurai, Madurai District.

4.The Commissioner,
Tambaram Municipal Corporation,
Chengalpattu District.

5.B.Shankaravelu

6.T.Vijayakumar

7.S.Rajeswari

8.S.Baskaran

9.D.Vijula

10.H.Murugan

11.S.A.Mohammed Shaffulla ... Respondents in W.P.(MD).No.11682 of 2025

PRAYER in W.P.(MD).No.11681 of 2025: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari to call for the records relating to the impugned charge memo issued by the second respondent Director of Municipal Administration in Roc.No.9366/2025/V3-5, dated 09.04.2025, quash the same as illegal.



WP(MD)Nos.11681 of 2025

PRAYER in W.P.(MD).No.11682 of 2025: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the first respondent in G.O.(D).No.217, (Municipal Administration and Water Supply (ME-3) Department), dated 17.04.2025, quash the same in so far as it gives promotion to the petitioner's juniors as Chief Engineers and further direct the 1st respondent to give promotion to the petitioner as Chief Engineer at least from the date of promotion given to his immediate junior together with all service, monetary and other attendant benefits, within a reasonable time as may be prescribed by this Court.

For Petitioner : Mr.Issac Mohanlal Sr., Counsel
for M/s.Issac Chambers in both cases

For Respondents : Mr.P.S.Raman, Advocate General
Assisted by Mr.F.Deepak Spl.G.P., for RR1 & R2
in both cases

Mr.S.Vidya Sagar Standing counsel for R3
in W.P.(MD).No.11681/2025

Mr.S.Vinayak Standing counsel for R3
in W.P.(MD).No.11682 of 2025

COMMON ORDER

The Writ Petition in W.P.(MD) No.11681 of 2025 had been filed to quash impugned charge memo issued by the second respondent Director of Municipal Administration, dated 09.04.2025, as illegal.



WP(MD)Nos.11681 of 2025

2.The Writ Petition in W.P.(MD) No.11682 of 2025 had been filed to quash the impugned order passed by the first respondent in G.O.(D).No.217, (Municipal Administration and Water Supply (ME-3) Department), dated 17.04.2025, in so far as it gives promotion to the petitioner's juniors as Chief Engineers and further direct the 1st respondent to give promotion to the petitioner as Chief Engineer at least from the date of promotion given to his immediate junior together with all service, monetary and other attendant benefits, within a reasonable time stipulated.

3. Heard Mr.Issac Mohanlal learned Senior counsel appearing for the petitioners, Mr.P.S.Raman, learned Advocate General assisted by Mr.F.Deepak, learned Special Government Pleader appearing for the first and second respondents and Mr.S.Vidya Sagar, & Mr.S.Vinayak, learned Standing counsel appearing for the third respondent.

4. The learned Senior Counsel for the petitioner would submit that the petitioner is now serving as a Superintendent Engineer in Vellore Municipal Corporation and his next promotional avenue is to the post of Chief Engineer. While that being so, a charge memo was issued as per the proceedings of the



WP(MD)Nos.11681 of 2025

Commissioner of disciplinary proceedings Tribunal, Madurai framing charges against the petitioner and two others and the same had been challenged by the Writ Petitioner in W.P.(MD).No.30358 of 2023 in which an order of interim stay had been granted.

5. By proceedings dated 07.08.2024, a provisional inter se seniority of Superintendent Engineers for the promotion to the post of Chief Engineers by treating the crucial date as 15.03.2024 was prepared and the petitioner was placed sixth in the seniority. By order dated 28.08.2024, the Writ Petition filed by the petitioner challenging the charges issued by the Tribunal, was allowed quashing the said proceedings dated 27.09.2023. A fresh charge memo under the impugned proceedings was issued to the petitioner. He would submit that the crux of the charge memo is that the petitioner who was appointed as an Enquiry Officer to verify whether excess paver block road work had been done by a contractor and that he had reported that no excess paver block road had been laid by the contractor, without visiting the spot and have not conducted the enquiry properly. But, however, the Technical Team Inspection Report dated 25.06.2024 indicates that the said contractor has laid the excess paver block road. In view of the charge memo that has been issued to the petitioner, the petitioner has also not



WP(MD)Nos.11681 of 2025

been considered for promotion and his juniors are being sought to be promoted as

Chief Engineer.

6. The learned Senior Counsel would submit that the present disciplinary proceedings have been initiated only with malice to deny the petitioner the promotion as Chief Engineer. The charge memo issued to the petitioner do not at any stretch of imagination establishes any misconduct. He would further submit that when the petitioner was appointed as an Enquiry Officer in the year 2018 to ascertain the work carried out by the contractor in the year 2018, the petitioner after due enquiry has submitted a Report that the said contractor could not have done any work as no work order has been issued by the Corporation. But, however, on the Technical Team Report dated 25.06.2024 which was also not furnished to the petitioner the charge memo had been issued.

7. The charge memo and the imputation of charges have not disclose how the petitioner's report was found to be false based upon the Technical Committee's Report which was done after six years. He would further rely upon the judgment of the Hon'ble Apex Court in the case of *Union of India & Ors., vs. J.Ahmed* reported in **1979 (2) SCC 286** and would contend that even assuming



WP(MD)Nos.11681 of 2025

that the petitioner had not visited the place of work, the same cannot amount to misconduct but only amount to negligence in performance of duty or inefficiency in discharge of duty. He would further submit that there are no allegations of gross or habitual negligence in performance of duty. When that being so, the charges memo framed as against the petitioner is liable to be quashed.

8. In support of the very same contention, he had also relied upon a judgment of this Court in the case of ***P.Shaheen & Ors., vs. State of Tamil Nadu & Ors.***, reported in ***2014 (5) CTC 444***. He would further submit that after the incident that had happened in the year 2018 and the present charge memo had been filed after seven years delay for which there is no explanation. Hence, by applying the principles of law laid down by the Hon'ble Apex Court in the judgment in the case of ***P.V.Mahadevan vs. MD, T.N. Housing Board*** reported in ***2005 (6) SCC 636***, the charge memo itself could have to be quashed.

9. He would further submit that every time when the petitioner had been in the zone of consideration of promotion, the petitioner had been slapped with a charge memo for no fault on his part. When the petitioner was being considered for promotion from the post of Civil Engineer to Superintendent Engineer, a



WP(MD)Nos.11681 of 2025

charge memo was issued through the Disciplinary Proceedings Tribunal which was quashed by this Court in W.P.(MD).No.30358 of 2023 dated 28.08.2024.

Now when the petitioner's name is for consideration to the post of Chief Engineer, the present charge memo had been issued. In that aspect, he would submit that the present charge memo has also been issued with malice to deny the petitioner the promotion.

10. Learned Senior Counsel for the petitioner would further submit that after the enquiry, he had submitted a Report, wherein, he had specifically indicated in his remarks that when the work contract has not been issued no action had been taken by the authorities incharge of the zone to stop the work that was carried out by the contractor and no explanation has also been given. The petitioner has also not recommended for non-payment of the amount nor the petitioner had specifically given a report that the contractor has not done the work. When that being so, the petitioner cannot be blamed to have given a Report that the contractor had not carried out the paver block work. He had been only denied with payments as no work order had been issued to him to carry out the works.



WP(MD)Nos.11681 of 2025

11. He had also relied upon the judgment of the Hon'ble Apex Court in the case of *State of Punjab vs. V.K.Khanna & Ors.*, reported in *2001 (2) SCC 330* to contend that when such charge memo had been issued with malice, the same should be quashed and the respondents be directed to grant promotion to the petitioner to the post of Chief Engineer. Hence, he prays this Court to allow the present Writ Petition.

12. The learned Advocate General appearing for the respondents would submit that under G.O.2D No.36 Municipal Administration and Water Supply Department, dated 01.04.2025, the Government had directed the second respondent to initiate departmental enquiry proceedings against 8 delinquent officers of Madurai Corporation including the petitioner on the allegations that the excess paver block road which was laid without work order has not been properly enquired by the petitioner and without challenging the said Government order, the challenge to the charge memo issued pursuant to the same would not be maintainable.

13. He would further submit that in view of the same, the petitioner is not even eligible for temporary promotion as a Chief Engineer. The person who have



WP(MD)Nos.11681 of 2025

been recommended for promotion should have unblemished service. He would vehemently deny the allegation of the petitioner that the charge memo had been issued upon him only to deny the order of promotion. He would further submit that having alleged malice, the petitioner had not impeded the authority in their personal capacity and therefore, this Court need not even look into the allegation of malice as raised by the petitioner. He would further submit that on the date of consideration of the name of the petitioner charges under 17(b) were pending and therefore, even if his name has been included, the petitioner could have only been held ineligible. The pending charges on the said date was only quashed by this Court on subsequent date namely on 28.02.2024. Before actual order of promotion could be issued, the petitioner had been issued with the present charge memo.

14. He would submit that when the contractor had moved this Court in W.P.(MD).No.19236 of 2022 to quash order refusing to pay him for the work of paver block laying carried out by him and to direct the Commissioner, Madurai Corporation to settle the bill amount, the Court by order dated 29.09.2023 had ordered investigation by the Vigilance and Anti-Corruption Department into the contradictory claims made by the Corporation and also of the fact that the



WP(MD)Nos.11681 of 2025

Corporation had directed the petitioner therein to carry out works without issuing a work order. Pursuant to the said directions, an enquiry was carried out by the Vigilance and Anti-Corruption Department and a Report had been filed. Based upon the recommendations made by the Vigilance and Anti-Corruption, the Government had also issued G.O.(Ms).No.36 Municipal Administration Department, dated 01.04.2025, to initiate disciplinary proceedings against the petitioner, only upon which the present impugned charge memo had been issued to the petitioner.

15. He would further submit that there is no delay on the part of the Department and the act of delinquency have been found out in the enquiry report submitted by the Vigilance and Anti-Corruption Department which was received by the Government on 06.03.2025, pursuant to the order of the learned Single Judge dated 29.09.2023. Therefore, he would submit that the judgment relied upon by the learned Senior Counsel for the petitioner as to the delay in initiation cannot be applied to the facts of this case. He would further submit that whether the act of delinquency is a misconduct or negligence can only be decided after the enquiry is decided and not before.



WP(MD)Nos.11681 of 2025

16. I have considered the submissions made by the learned counsels appearing on either side and perused the materials available on record.

17. The petitioner had been denied promotion only on the premise that he had been involved in a delinquency of not properly conducting the enquiry for which the impugned charge memo had been issued to him. In that regard, this Court has to first look into the allegations made against the petitioner in the impugned charge memo. Under the impugned charge memo two charges have been framed. The second charge is dependent on the first charge. The first charge reads as under:-

During the period between 18.01.2007 and 08.06.2022, you, Tr.S.Arasu, Executive Engineer, Madurai Corporation, now Superintending Engineer, Vellore Corporation while working as in-charge Executive Engineer and Executive Engineer in Madurai Corporation, have not intimated the excess Paver Block Road laid by the petitioner/Contractor Tr.B.Pandi at Ward No.23, Ponnagar, Zone-1, Madurai Corporation without getting work order from the Madurai Corporation to the Madurai Corporation. When, you were nominated as Enquiry Officer to verify the excess Paver Block Road by Contractor Tr.B.Pandi, on 01.10.2018 and 03.10.2018 you have enquired Tr.K.Mayilerinathan, AE and



WEB COPY



WP(MD)Nos.11681 of 2025

Tr.K.S.Kanthappan, AE respectively. But, you have not visited the spot and also you have not conducted the enquiry properly. Simply you have sent a report dated 15.10.2018 to the Commissioner, Madurai Corporation stating that no excess Paver block Road could be laid by the petitioner/contractor Tr.B.Pandi, as he has not obtained the work order from the Madurai Corporation and so there was no way to pay the bill payments to the above Petitioner/Contractor Tr.B.Pandi. In turn the Commissioner, Madurai Corporation has informed the above fact to the petitioner/Contractor Tr.B.Pandi on the same day. But the petitioner/Contractor Tr.B.Pandi has laid the excess Paver Block Road at Ward No.23, Pon Nagar, Zone-I, Madurai Corporation for the length of 151 meter and width of 4.78 meter during the year 2012-2013 as per the Technical Team Inspection Report dated 25.06.2024.

18. The import of the charge is that when the petitioner was appointed as an enquiry officer to verify the excess paver block road laid by one contractor, the petitioner had enquired two Assistant Engineers of the zone but had not visited the spot and has not conducted a proper enquiry and had submitted a Report as if no excess paver block road work had been done by the said contractor which has been found false from the inspection report dated 25.06.2024 of the Technical



WP(MD)Nos.11681 of 2025

Team. The imputation of charge under Annexure-2 is nothing but replication of the charge-1 in Annexure-1.

19. It is not disputed by the petitioner that he had been appointed as an Enquiry Officer pursuant to the directions issued by this Court. From the enquiry report that has been placed on record, it could be seen that the petitioner had not only enquired with the Assistant Engineers named in the charge memo, but he had also enquired the contractor concerned who had also placed materials before the petitioner to substantiate his claim of the work done by him. The remarks of the petitioner in the enquiry report would indicate that the Assistant Engineers of the zone concerned had failed to stop the work done by the contractor without any work order and that there is no explanation forthcoming for it. The said remarks would indicate that the petitioner had not disputed the work done by the contractor for laying the paver block road as claimed by him. The petitioner had found that the zonal authorities have not taken any steps to stop the work carried out by the said contractor which would only mean that the contractor had done the work as claimed by him. Therefore, the reliance placed upon the charge memo to a subsequent technical report of the technical team to hold that the petitioner had not conducted any proper enquiry is unable to be countenanced. Further the



WP(MD)Nos.11681 of 2025

Court is of the view, the charge memo issued against the petitioner in view the

Report that has been placed on record is wholly misconceived.

20. For the aforesaid reasons, this Court is inclined to interfere with the impugned charge memo as this Court has found that the charge memo itself has been issued on misconception of facts without appreciating the report filed by the petitioner on the enquiry conducted by him.

21. The decision holding that the petitioner is not eligible to be considered for promotion would also have to fall. This Court by its order dated 25.09.2025, had modified the interim order granted on 23.04.2025 by directing the respondents to keep one post of Chief Engineer vacant which can always be filled up subject to the result of the Writ Petition.

22. In fine, the W.P.(MD).No.11861 of 2025 stands allowed and the impugned charge memo is quashed. W.P.(MD).No.11862 of 2025 is disposed of with a direction to the respondents to effect promotion to the petitioner as Chief Engineer, if the petitioner is otherwise eligible. Such exercise shall be made by the respondents within a period of four weeks from the date of receipt of a copy



WP(MD)Nos.11681 of 2025

of this order. Consequently, connected miscellaneous petitions are also closed.

However, there shall be no order as to costs. Consequently, connected

Miscellaneous Petitions are closed.

24.11.2025

Index : Yes / No
Internet : Yes / No
Gba



WP(MD)Nos.11681 of 2025

WEB COPY To

- 1.The State of Tamil Nadu,
Rep., by its Principal Secretary,
Department of Municipal Administration and Water Supply,
Fort St. George, Chennai -600 009.
- 2.The Director of Municipal Administration,
MRC Nagar, No.75, Santhom Highway,
Raja Annamalaipuram,
Chennai – 600 028.
- 3.The Commissioner,
Madurai Municipal Corporation,
Madurai, Madurai District.
- 4.The Commissioner,
Tambaram Municipal Corporation,
Chengalpattu District.



WEB COPY



WP(MD)Nos.11681 of 2025

K.KUMARESH BABU, J.

Gba

Pre-Delivery Order made in
W.P.(MD)Nos.11681 & 11682 of 2025 &
WMP (MD).Nos.8629, 8630, 8647,
8649, 8651 & 12030 of 2025

.11.2025