



W.P(MD)No.10828 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 10.12.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.10828 of 2023 and
WMP(MD) Nos. 9508 of 2023 & 14817 of 2023

G.Senthilkumar

... Petitioner

Vs

- 1.The Director,
Fire and Rescue Services,
No.17, Rukmani Lakshmipathy Road,
Egmore ,
Chennai - 600008.
- 2.The Deputy Director,
Fire and Rescue Services,
Southern Region,
Madurai.
- 3.The District Officer,
Fire and Rescue Services,
Thoothukudi District.
- 4.S.Kumar,
The District Officer,
Fire and Rescue Services,
Thoothukudi District.
- 5.The Station Officer,
Thoothukudi Sipcot Fire and Rescue Station,
Thoothukudi District.



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6.The Deputy Superintendent Of Police,
Directorate of Vigilance and
Anti- Corruption,
2/175 Palayamkottai Main Road,
Maravan Madam,
Thoothukudi – 628101.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records relating to the impugned Charge Memo issued by the 3rd respondent District Officer in Na.Ka.No.3927/A/2022 dated 13.04.2023, quash the same as illegal.

For Petitioner : Mr.K.Ragatheesh Kumar
For R1 to R3,
R5 & R6 : Mr.C.Venkatesh Kumar
Special Government Pleader

ORDER

The petitioner, who is working as an Upgrade Leading Fireman in the office of the SIPCOT Fire and Rescue Station at Thoothukudi was issued with a charge memo in Na.Ka.No. 3927/A/2022, dated 13.03.2023 and the same is under challenge in this writ petition.



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2.The case of the petitioner is that one Bharani Kumar, who is known to the petitioner has approached him and asked about the procedure to get NOC from Fire and Safety Department. The petitioner, on verification came to know that the District Officer, Fire and Rescue Services, Thoothukudi/ the third respondent herein is the authority to issue NOC and he informed the same to the said Bharani Kumar. Thereafter, the petitioner came to know that the said Bharani Kumar has lodged a complaint as against the third respondent before the Vigilance and Anti-Corruption Department that he has demanded bribe for issuance of NOC. The third respondent is impleaded as a fourth respondent in his individual capacity in this writ petition. On knowing that a complaint has been lodged as against him, the fourth respondent has compelled the said Bharani Kumar to give a statement that he has not demanded any bribe from him. The fourth respondent, under the impression that the petitioner is behind the issue, he has also compelled the petitioner to give similar statement. While this being so, the petitioner was transferred to Chinnamanur Fire and Rescue Station, Theni, which is 240 kms away from the present station, which is against the routine



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general transfer counselling. The petitioner has challenged the transfer order before this Court in WP(MD) No.10569 of 2022 and the same was allowed by this Court, by its order, dated 22.09.2022. While so, the petitioner was issued with a charge memo on 13.03.2023.

3.The learned counsel appearing for the petitioner has attacked the charge memo on the ground of malafides. According to the learned counsel, the complaints have been lodged as against the District Officer, Fire and Rescue Services, Thoothukudi and he himself had issued the impugned charge memo as against this petitioner, which is not legally sustainable. In order to substantiate his contention, the learned counsel has relied on the third charge levelled as against the petitioner, which is as under:-

Charge 3:-

That you, G.Senthil Kumar, Upgrade Leading Fireman No.7065, Thoothukudi Fire and Rescue Station, had admitted by your statement before the District Officer, Thoothukudi in person that with the intention to trap Mr.S.Sumar, District Officer, through the Vigilance Department alleging that he demanded bribe for giving NOC by providing the copy of the application of the year 2020 to Mr.A.Bharani



Selvan, which was already granted by me in the year 2020, which amounts to threatening the higher officials with the help of third parties.

3.1.The learned counsel has also relied on the order of this Court in ***Abraham Amalanathan Vs. the Deputy Inspector General of Police***, reported in ***2011 (1) CWC 833***, wherein, similar issue has been dealt with and settled. The relevant portion is extracted as under:-

23.Admittedly, the charge levelled against the petitioner is to his conduct towards his superior officer; namely, the then Superintendent of Police. Therefore, it is not open to the then Superintendent of Police to sit in judgment over the said incident either in initiating it or thereafter involving at different stages. What has transpired on the relevant day is a matter known to the petitioner as well as the then Superintendent of Police. Therefore, the then Superintendent of Police is a material witness to the alleged occurrence. It is trite law that in a departmental proceedings, the charges will have to be proved against the delinquent officer. Even assuming that the then Superintendent of Police has not been shown as a witness, the petitioner in all probability would like to examine him.

24.The mere fact is that the then Superintendent of Police has ordered the preliminary enquiry, approved the preliminary



enquiry, directed a subordinate officer to frame charges, approved the charges, and appointed an enquiry officer would lead no room to hold that he was convinced about the charges levelled against the petitioner. Therefore, the facts would clearly establish that the proceedings are vitiated as the then Superintendent of Police acted in a dual role and it is the case of the accuser becoming the Judge. Admittedly, he had a personal stake in the enquiry, initiated against the petitioner and therefore, his involvement would vitiate the proceedings.

4.Mr. C.Venkatesh Kumar, learned Special Government Pleader, who takes notice for the respondents 1 to 3, 5 & 6 submits that for the misconduct of the petitioner, he was issued with a charge memo, vide Na.Ka.No.3927/A/2022, dated 13.04.2023 and therefore, there is no need to interfere with the charge memo.

5.This Court considered the rival submissions made and also perused the materials placed on record.

6.The petitioner, who is working as an Upgrade Leading Fireman in the office of the SIPCOT Fire and Rescue Station at Thoothukudi was issued with a charge memo in Na.Ka.No.



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3927/A/2022, dated 13.03.2023. The impugned charge memo has been issued as against this petitioner by the third respondent for his own cause. In view of the above, this Court is inclined to quash the charge memo, on this ground, even though the normal rule is that the Court should not interfere at the stage of issuance of charge memo.

7. Accordingly, this writ petition is allowed. The impugned charge memo in Na.Ka.No.3927/A/2022, dated 13.04.2023 issued by the third respondent is hereby set aside. However, liberty is granted to the authorities concerned to issue a fresh charge memo, if it is indeed warranted. No costs. Consequently, connected Miscellaneous Petitions are closed.

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NCC: Yes/No
Index: Yes/No
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B.PUGALENDHI, J.

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