



W.P.(MD)No.14056 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.10.2025

CORAM

THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.14056 of 2023

and

W.M.P.(MD)Nos.11891 & 23254 of 2023

P.Muthu Vijayan

: Petitioner

Vs.

1.The Secretary to the Government and
Agriculture Production Commissioner,
Department of Agriculture and Farmers Welfare,
St. George Fort,
Chennai – 9.

2.The Chief Engineer,
Agriculture Engineering Department,
Nandanam,
Chennai – 35.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the



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records relating to the impugned order passed by the first respondent in his proceedings vide G.O.Ms.(3D)No.135, Agriculture and Farmers Welfare (AA6) Department dated 14.10.2022 and quash the same as illegal and consequently to direct the respondents to refund the 1/3 of pension recovered with effect from the date of his retirement on 31.05.2018.

For Petitioner : Mr.V.P.Rajan

For Respondents 1 & 2 : Mr.A.Baskaran,

Additional Government Pleader

ORDER

This Writ Petition has been filed challenging the impugned order dated 14.10.2022 passed by the first respondent, imposing the punishment of recovery of Rs.76,053/- from the petitioner out of his gratuity amount and also imposing the punishment of 1/3rd pension cut from the date of retirement of the petitioner from service.

2.The petitioner has challenged the impugned punishment order on the following grounds:



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a) the punishment order is disproportionate to the charges framed against the petitioner in the disciplinary proceedings;

b) the petitioner denies the charges framed against him in the disciplinary proceedings and further has contended that on account of the alleged procedural lapses, the first respondent has passed the impugned punishment order, which is arbitrary and illegal;

c) there is an inordinate delay on the part of the respondents in initiating disciplinary proceedings and also concluding the same.

3.The counter affidavit has also been filed by the respondents denying the contentions of the petitioner. According to them, only based on the findings rendered by the enquiry officer, the impugned order came to be passed. Since loss has been caused to the Government, the petitioner is liable to reimburse the loss which the Government has suffered.

4.The following are the undisputed facts:

a) six charges were framed against the petitioner in the disciplinary proceedings and they are procedural lapses. The crux of



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the charges framed against the petitioner is that the petitioner was negligent during the construction of the check dam;

b) the respondents claim to have suffered a total loss of Rs. 76,053/-;

c) the charge memo was issued to the petitioner on 27.02.2012 for the incident which happened in between the years 2007-2008 ie., after a lapse of more than 4 years from the date of the incident;

d) the petitioner on receipt of the charge memo had immediately submitted an explanation to that effect on 18.06.2012;

e) the enquiry officer conducted enquiry on 31.01.2014 and thereafter, submitted the enquiry report on 23.10.2015, holding that the petitioner is guilty of the charges framed against him in the disciplinary proceedings;

f) the petitioner was furnished with the copy of the enquiry report on 23.10.2015 and he has also submitted an explanation on 03.12.2015;

g) the disciplinary authority namely the first respondent passed the impugned punishment order on 20.06.2022, after a lapse of more than 7 years from the date of the enquiry report.



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5.From the aforesaid undisputed facts, it is clear that there has been an inordinate delay on the part of the respondents to initiate disciplinary proceedings against the petitioner as well as for concluding the enquiry in the disciplinary proceedings as well as for passing the final order imposing punishment on the petitioner. Eventhough, the alleged incident is said to have happened between 2007-2008, the punishment order came to be passed by the disciplinary authority only on 14.10.2022, ie., after a lapse of more than 14 years from the date of the alleged incident.

6.Eventhough, counter has been filed before this Court and eventhough the petitioner has contended in this Writ Petition that there has been an inordinate delay on the part of the respondents to initiate and conclude the disciplinary proceedings, the said contention has not been answered in the counter as the counter is silent with regard to the same.

7.Learned Counsel for the petitioner also drew the attention of this Court to a judgment of the Division Bench of this Court dated



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01.02.2023 in W.A.(MD)No.1498 of 2022, in the case of *the Government of Tamil Nadu Vs. V.A.Selvam*, to support his contention that if there is an inordinate delay in initiation of the disciplinary proceedings or in the conclusion of the disciplinary proceedings, the proceedings imposing punishment are liable to be set aside by the Court.

8.As seen from the aforesaid Division Bench judgment, the Division Bench after following various decisions has held that it is settled position of law that whenever there is a delay in initiation of the disciplinary proceedings or in conclusion of the disciplinary proceedings, it would be fatal and the proceedings are liable to be set aside, unless the delay is properly explained or the same is attributable to the delinquent himself. In the case on hand, the delay has not been explained by the respondents. The counter filed by the respondents is also silent with regard to the inordinate delay even though a specific ground has been raised by the petitioner in this Writ Petition that there has been an inordinate delay on the part of the respondents to initiate disciplinary proceedings and also concluding the same. Therefore, the Division Bench judgment relied



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upon by the learned Counsel for the petitioner as referred to supra is squarely applicable to the facts of the instant case.

9.Eventhough charges have been framed against the petitioner on account of the alleged procedural lapses said to have been committed by the petitioner during the construction of a check dam, the loss alleged to have been caused to the respondents on account of the procedural lapses said to have been committed by the petitioner is only a sum of Rs.76,053/-. When there has been an inordinate delay on the part of the respondents in initiating disciplinary proceedings against the petitioner and also concluding the same, this Court has to accept the contention of the petitioner that the punishment imposed on him is disproportionate to the charges framed against him in the disciplinary proceedings.

10.Under the impugned punishment order, the petitioner has been imposed with a drastic punishment of cutting his 1/3rd pension permanently from the date of his retirement, which in the considered view of this Court is disproportionate to the charges framed against him in the disciplinary proceedings and the same also cannot be



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sustained by this Court on account of the inordinate delay on the part of the respondents in initiating disciplinary proceedings and also for concluding the same. As seen from the enquiry report, there is no evidence to establish that even on preponderance of probability, the petitioner can be found guilty of the charges framed against him in the disciplinary proceedings. The petitioner has always contended that he is no way responsible for the alleged procedural lapses as the supervision and control of the check dam is only vested with his superiors. Apart from cutting his pension under the impugned punishment order, the respondents have also imposed the punishment of recovering the loss from and out of the petitioner's gratuity amount. Since this Court has come to the conclusion that the petitioner cannot be faulted for the charges framed against him in the disciplinary proceedings, the question of recovering the loss caused to the Government from and out of the petitioner's gratuity amount also does not arise. Since the impugned order has been passed contrary to the well settled law that there shall not be any inordinate delay in initiation and conclusion of the disciplinary proceedings and this Court also finds that even on preponderance of probability, the petitioner cannot be found guilty of the charges



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framed against him, necessarily the impugned order has to be quashed and the Writ Petition has to be allowed.

11. Accordingly, the impugned order dated 14.10.2022 passed by the first respondent is hereby quashed and this Writ Petition is allowed, by directing the respondents to refund the 1/3rd of pension amount already recovered from the petitioner with effect from his date of retirement ie., on 31.05.2018, within a period of twelve [12] weeks from the date of receipt of a copy of this order and this Court further directs the respondents to pay the future monthly pension amount payable to the petitioner without making any deduction. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

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Index : Yes / No

Internet : Yes / No

NCC : Yes/No

MR



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To

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ABDUL QUDDHOSE., J.

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