



W.A.(MD)No.1965 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 21.07.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

**W.A.(MD)No.1965 of 2025
and
C.M.P.(MD)No.11248 of 2025**

- 1.The State of Tamil Nadu,
Represented by its Secretary to Government,
Public Works Department,
St.George Fort, Secretariat,
Chennai – 09.
- 2.The Engineer in Chief & Chief Engineer (General)
Public Works Department
Chepauk, Chennai – 5. ... Appellants

Vs.

T.Iyyapparaja ... Respondent

Prayer : Writ Appeal filed under Clause XV of Letters Patent, to allow the writ appeal by setting aside the order passed in W.P.(MD)No.18803 of 2015 dated 05.12.2019 on the file of this Court.



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For Appellants : Mr.N.Satheeshkumar,
Addl. Government Pleader.

For Respondent : Mr.Mohamed Imran,
For M/s.Ajmal Associates.

JUDGMENT
(By G.R.SWAMINATHAN, J.)

Heard both sides.

2.The writ petitioner / Iyyapparaja was issued with charge memo on 13.03.2014. Challenging the same, he filed W.P.(MD)No.18803 of 2015. The learned Single Judge vide order dated 05.12.2019 quashed the charge memo and allowed the writ petition. Aggrieved by the same, this writ appeal has been filed by the State.

3.It is seen that the cause of action arose wayback in the year 1994. Charge memo was issued only in the year 2015 after lapse of almost 20 years. The learned Single Judge rightly held that such belated issuance of charge memo is liable to be interfered with. The learned Additional



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Government Pleader would point out that the writ petitioner was suspended in the year 1995 itself and that the said litigation came to an end only on 10.01.2017. He also pointed out that the writ petitioner lost quite a few other litigations against the government and that is why, the charge memo could not be issued in time. Even if we accept the case of the appellants, still that does not explain the delay of six years from 2008 onwards.

4.Be that as it may, it is noted that the writ petitioner was slapped with an FIR way back in the year 1995 itself. It was taken on file in S.C.No.5 of 2003 on the file of the Special Chief Judicial Magistrate, Tirunelveli. The criminal case is said to be still pending. In view of initiation of prosecution against the writ petitioner in 1995 itself, we make it clear that the consequential rights of the writ petitioner to seek promotion will depend upon the outcome of the criminal case. The order of the learned Single Judge is confined only to quashing of charge memo alone. No further relief is granted to the writ petitioner for the present.



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5.This writ appeal is disposed of with the aforesaid clarification and observations. No costs. Consequently, connected miscellaneous is closed.

(G.R.S. J.,) & (K.R.S. J.,)
21.07.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:

- 1.The Secretary to Government,
Public Works Department,
St.George Fort, Secretariat,
Chennai – 09.
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