



W.P(MD)No.22698 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 10.12.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.22698 of 2023 and
WMP(MD) Nos.18965 of 2023 & 19732 of 2024

S.Lakshmanan.

... Petitioner

Vs

1.The Director of Town Panchayats,
Directorate of Town Panchayats,
Chennai 600 028.

2.The Assistant Director of Town Panchayats,
Tirunelveli Zone,
Tirunelveli Zone.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records on the file of the 1st respondent in connection with the impugned charge memo issued by him vide his proceedings in Na.Ka.No.11527/2017-5/ Oo.2 dated 22.05.2023 and quash the same as illegal, arbitrary and for prolonged delay in issuance of the charge memo in the light of the G.O.(Nilai) No.228, Municipal Administration and Water Supply (Peru.1) Department dated 18.09.1997 as well as judgment passed by the Honble Supreme



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Court in P.V.Mahadevan Vs M.D.Tami Nadu Housing Board dated 08.08.2005 within the time limit that may be stipulated by this Court.

For Petitioner : Mr.G.Thalaimuthurasu
For Respondents : Mr.C.Venkatesh Kumar
Special Government Pleader

ORDER

The petitioner is working as a Junior Assistant in the office of the second respondent. The petitioner was issued with a charge memo by the Director of Town Panchayats, Chennai, vide his proceedings in Na.Ka.No.11527/2017-5/ Oo.2 dated 22.05.2023 and the same is challenged in this writ petition.

2.The case of the petitioner is that when he was working as a Typist, he was issued with a charge memo, under Rule 17(b) of the Tamil Nadu Government Servant (Discipline and Appeal) Rule that during the year 2015-2016, the Executive Officers of Vasuthevanallur Panchayat, Sambavar Vadakarai Panchayat, Vadukku Valliyur Panchayat and Kalakadu Panchayat have procured street lights and other electrical goods for their respective



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Panchayats, without following the Tamil Nadu Transparency in Tenders Act, 1998 from their known persons, without floating tender and the petitioner had submitted files even without verifying as to whether the files are in accordance with the procedure/Rules stipulated. The petitioner has challenged the charge memo mainly on the ground of delay and laches. According to the petitioner, for the delinquency said to have committed in the year 2015, the charge memo was issued in the year 2023. Yet another ground has also been taken by the learned counsel for the petitioner that the charge memo has been issued selectively as against the petitioner, who is working as a Junior Assistant.

3.Mr.C.Venkatesh Kumar, learned Special Government Pleader appearing for the respondents has denied the averments made by the petitioner's counsel that this petitioner alone has been targeted. In fact, the charge memo has been issued as against all the officers, who are involved in the delinquency. Insofar as the delay, the learned Special Government Pleader submits that there was a preliminary enquiry on the allegations and thereafter a regular



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enquiry was conducted by the Vigilance and Anti Corruption Department from the year 2015 to 2022, by registering a case. They have filed a final report in RC number 134/2017/TP/TI, dated 23.05.2017, as against the petitioner and other officials, for the offence punishable under Sections 409 r/w Section 120B IPC and Section 13(2) r/w Section 13(1)(c) of Prevention of Corruption Act 1988. On conclusion of the investigation, the Vigilance Commissioner has recommended for a disciplinary proceedings, vide his letter dated 29.06.2022. Pursuant to the recommendation, the Government has directed the first respondent to take departmental action as against the petitioner and other officials, vide G.O.No.56, Municipal Administration and water Supply P3 Department, dated 09.02.2023. Consequently, the first respondent has issued the charge memo as against this petitioner and others. Therefore, the petitioner has to participate in the statutory process of departmental enquiry and prove his innocence, if any. At this premature stage, this writ petition cannot be entertained.



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

5.The order impugned in this writ petition is only a charge memo. It is a settled position of law that the charge memo can be questioned only on the ground of jurisdiction, malafide and vagueness in the charge. The petitioner has claimed that there is a delay in issuing the charge memo. Admittedly, for the delinquency said to have committed during the year 2015, a charge memo has been issued in the year 2023. However, the respondents have justified the delay that an investigation has been contemplated on 15.10.2015 and the Vigilance and Anti corruption Department has conducted a preliminary enquiry and thereafter a detailed enquiry was conducted. The Vigilance and Anti Corruption Department has filed a final report in RC number 134/2017/TP/TI, dated 23.05.2017, as against the petitioner and other officials, for the offence punishable under Sections 409 r/w Section 120B IPC and Section 13(2) r/w Section 13(1)(c) of Prevention of Corruption Act 1988. Only after the completion of the enquiry by the Vigilance and Anti-



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Corruption Department, based on the records and the final report, the Vigilance Commissioner has recommended for departmental action as against the erring officials, vide his letter dated 22.06.2022. Thereafter, the Government has taken a decision in G.O.(MD) No. 56, Municipal Administration and Water Supply Department dated 09.02.2023. Consequently, the charge memo has been issued on 22.05.2023.

6.In view of the above, this Court is not inclined to accept the case of the petitioner to interfere with the charge memo. Accordingly, this writ petition is dismissed with a direction to the respondents to conclude the disciplinary proceedings within a period of six months from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous petitions are closed.

10.12.2025

NCC: Yes/No
Index: Yes/No
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