



W.A.(MD)Nos.2106 and 2107 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.07.2025

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

**W.A.(MD)Nos.2106 and 2107 of 2024
and
C.M.P.(MD)Nos.14930 and 14933 of 2024**

W.A.(MD)No.2106 of 2024:

G.Venkatramanan

... Appellant

Vs.

1.The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Municipal Administration and Water Supply Department,
Secretariat, Chennai.

2.The Director of Town Panchayat,
Office of the Director of Town Panchayat,
Nos.7 & 8th Floor, Town Administrative Office,
Raja Annamalaipuram,
Chennai - 600 028.

... Respondents

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.13401 of 2023 dated 24.09.2024 on the file of this Court.



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For Appellant : Mr.M.E.Ilango,
For M/s.Ajmal Associates.

For Respondents : Mr.Veera Kathiravan,
Addl. Advocate General,
Assisted by Mr.A.Kannan,
Addl. Government Pleader.

W.A.(MD)No.2107 of 2024:

G.Venkatramanan

... Appellant

Vs.

1.The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Municipal Administration and Water Supply Department,
Secretariat, Chennai.

2.The Director of Town Panchayat,
Office of the Director of Town Panchayat,
Nos.7 & 8th Floor, Town Administrative Office,
Raja Annamalaipuram,
Chennai - 600 028.

... Respondents

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.18718 of 2023 dated 24.09.2024 on the file of this Court.

For Appellant : Mr.M.E.Ilango,
For M/s.Ajmal Associates.

For Respondents : Mr.Veera Kathiravan,
Addl. Advocate General,
Assisted by Mr.A.Kannan,
Addl. Government Pleader.



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

Mr.G.Venkatramanan is the appellant in both these writ appeals.

2.Heard the learned counsel for the appellant and the learned Additional Advocate General for the respondents.

3.The appellant was working as Executive Officer Special Grade in Batlagundu Town Panchayat. He reached the age of superannuation on 31.05.2023. On the eve of his retirement, he was placed under suspension and not allowed to retire. He was retained in service and charge memo was also issued. The enquiry officer gave a finding that the charges are not proved. However, the disciplinary authority chose to deviate from the findings of the enquiry officer. Show case notice was issued. Challenging the order placing him under suspension and the order not allowing to retire and also the second show cause, the appellant filed W.P.(MD)Nos.13401 and 18718 of 2023. The writ petitions were disposed of in the following terms:-



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“(D)Conclusion:

20.In view of the above said deliberations, this Court is inclined to pass the following orders.

(i)W.P(MD).No.18718 of 2023 stands allowed and the show cause notice dated 06.07.2023 is set aside and the matter is remitted back to the file of the second respondent to issue a fresh show cause notice incorporating the reasons for taking a different view from that of the enquiry report.

(ii)W.P(MD).No.13401 of 2023 stands partly allowed with regard to the prayer challenging the second show cause notice dated 12.05.2023 and the same is set aside and the matter is remitted back to the file of the second respondent for issuing a fresh second show cause notice incorporating the reasons for taking a view different from that of the enquiry officer.

(iii)As far as the prayer in W.P(MD).No.13401 of 2023 challenging the order of suspension dated 30.05.2023 and the retention order dated 31.05.2023 are concerned, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Aggrieved by the same, these writ appeals have been filed.

4.The learned counsel for the appellant submitted that while remitting the matter to the file of the disciplinary authority, the learned Single Judge ought to have rested content with granting liberty alone.



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The direction of the learned Single Judge gives an indication as if it is a positive direction for issuing a second show cause notice.

5.We clarify that the learned Single Judge has only granted liberty to the disciplinary authority to act as per law and no positive direction has been issued.

6.The learned Additional Advocate General states that the second show cause notices have been issued on 19.11.2024.

7.Since the appellant has already reached the age of superannuation, it is only just and proper that the disciplinary proceedings are concluded at the earliest. The learned counsel for the appellant states that the appellant will offer his explanation within thirty days from today ie., 08.07.2025. The first respondent is directed to conclude the disciplinary proceedings within a period of three months thereafter. We make it clear that we have not gone into the merits of the matter. All the defences and contentions of the appellant are left open.



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WEB COPY 8.These writ appeals are disposed of accordingly. No costs.

Consequently, connected miscellaneous petitions are closed.

(G.R.S. J.,) & (K.R.S. J.,)
08.07.2025

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

- 1.The Principal Secretary to Government,
Municipal Administration and Water Supply Department,
Secretariat, Chennai.
- 2.The Director of Town Panchayat,
Office of the Director of Town Panchayat,
Nos.7 & 8th Floor, Town Administrative Office,
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and
K.RAJASEKAR, J.

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