



W.A.(MD)No.2611 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 01.07.2025

CORAM

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

**W.A.(MD)No.2611 of 2024
and
C.M.P.(MD)No.18214 of 2024**

N.Thanasingh

... Appellant

Vs.

The Director of Town Panchayats,
Directorate of Town Panchayats,
Urban Administration Office Complex,
7th and 8th Floor, MRC Nagar,
Chennai.

... 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.17159 of 2023 dated 18.07.2024 on the file of this Court.

For Appellant : Ms.J.Gayathri

For Respondent : Mr.Veerakathiravan,
Addl. Advocate General,
Assisted by Mr.A.Kannan,
Addl. Government Pleader.



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

Heard the learned counsel for the appellant and the learned Additional Advocate General for the respondent.

2.The appellant herein was working as Executive Officer, Vilavoor Town Panchayat, Kanyakumari District during 1999 – 2001. In respect of certain acts attributed to the writ petitioner, charge memo dated 29.03.2023 came to be issued. It contained as many as three articles of charge. One of them pertains to fabrication of bill and causing loss to the government. The appellant reached the age of superannuation on 31.05.2024. Virtually on the eve of his retirement, he was suspended and retained in service. Hence, the appellant filed W.P.(MD)No.17159 of 2023 and W.P.(MD)Nos.14468 of 2024 challenging the order whereby he was retained in service and also questioning the charge memo. The learned Single Judge vide order dated 18.07.2024 declined to interfere but directed the disciplinary authority to conclude the disciplinary proceedings initiated against the appellant within a period of three months. Aggrieved by the denial of relief, this writ appeal has been filed.

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3.It is well settled that a charge memo cannot be quashed for the asking. It is true that there is delay in issuance of the charge memo. But then, the disciplinary authority has come out with an explanation for the delay. The specific stand of the department is that following registration of criminal case against the appellant, the present facts came to light. We are mindful of the fact that we are only exercising our jurisdiction under Clause XV of Letters Patent. Unless we are satisfied that the learned Single Judge had grossly erred, we are not supposed to interfere.

4.In this view of the matter, the order of the learned Single Judge is sustained and the writ appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.S. J.,) & (K.R.S. J.,)
01.07.2025

NCC : Yes/No
Index : Yes / No
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