



WP(MD). No.27662 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 02.12.2025

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THE HONOURABLE MR. JUSTICE B.PUGALENDHI

WP(MD)No.27662 of 2023

and

WMP(MD)Nos.23756 of 2023 and 5724 of 2024

N.Balasubramani

... Petitioner

versus

1. The Director,
Medical Education and Research Department,
No.162, Periyar E.V.R.High Road,
Kilpauk,
Chennai – 600 010.
2. The Dean,
Mahatma Gandhi Memorial Government Hospital,
EVR Road,
Trichy.
3. The Dean,
K.A.P.Viswanatham Government Medical College,
Collector Office Road,
Trichy.
4. The Director,
Family Welfare Department,
Anna Salai,
DMS Complex,
Chennai – 600 006.

... Respondents



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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 relating to the impugned Charge Memo in Na.Ka.No. 57002/சீமபி1/3/2022-3 dated 09.08.2023 issued by the 1st respondent and quash the same as illegal.

For Petitioner : Mr.B.Prasanna Vinoth

For Respondents : Mr.M.Sarangan,
Additional Government Pleader

ORDER

The petitioner was appointed as a Junior Assistant in the Directorate of Medical Education, Chennai, on 25.06.2009. Subsequently, he was promoted as Assistant in the year 2012 and transferred to the K.A.P. Viswanatham Government Medical College. Thereafter, he was deputed to the Mahatma Gandhi Memorial Government Hospital from 2012 to 2018. While so, he was issued with a charge memo dated 09.08.2023 under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules on certain allegations that during the deputation period, i.e. from 02.02.2015 to 19.03.2015, he has not



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verified the vouchers produced by Midwives and Private Councilor.

Challenging the charge memo dated 09.08.2023, the petitioner has filed W.P.(MD)No.27662 of 2023.

2. The learned counsel appearing for the petitioner submitted that for the irregularities committed during the period from 02.02.2015 to 19.03.2015, the impugned charge memo has been issued only on 09.08.2023. Therefore, the impugned charge memo is liable to be quashed on the ground of delay and laches.

3. The learned counsel further submitted that during the period from 02.02.2015 to 19.03.2015, the petitioner was given an additional in-charge of the post of one Sekar, Junior Assistant, in the Family Welfare & Maternity Section, Trichy, and at that time, certain irregularities were committed by some of the staff nurses and midwives, which have not been verified by him.

4. The learned counsel for the petitioner further submitted that the charge memo has been selectively issued against the petitioner, without



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issuing any charge memo to other Assistants and Superintendents.

According to him, the regular Junior Assistant has been exonerated from the charges. He further submitted that the petitioner has attained the age of superannuation on 31.03.2025 and he was allowed to retire from service.

5. In ***Anant R. Kulkarni vs. Y.P. Education Society and Others*** [2013 (6) SCC 515], the Hon'ble Supreme Court has held that neither the disciplinary proceedings nor the charge-sheet can ordinarily be quashed on the ground of delay and the relevant portion is extracted as under:

“8. The court/tribunal should not generally set aside the departmental enquiry, and quash the charges on the ground of delay in initiation of disciplinary proceedings, as such a power is de hors the limitation of judicial review. In the event that the court/tribunal exercises such power, it exceeds its power of judicial review at the very threshold. Therefore, a charge-sheet or show cause notice, issued in the course of disciplinary proceedings, cannot ordinarily be quashed by court. The same principle is applicable in relation to there being a delay in conclusion of disciplinary proceedings. The facts and circumstances of the case in question, must be



carefully examined, taking into consideration the gravity/magnitude of charges involved therein. The Court has to consider the seriousness and magnitude of the charges and while doing so the Court must weigh all the facts, both for and against the delinquent officers and come to the conclusion, which is just and proper considering the circumstances involved. The essence of the matter is that the court must take into consideration all relevant facts, and balance and weigh the same, so as to determine, if it is infact in the interest of clean and honest administration, that the said proceedings are allowed to be terminated, only on the ground of a delay in their conclusion.”

6. Therefore, it is a settled position that mere delay in initiation of disciplinary proceedings is ordinarily not a ground to set aside the charge memo. Only when such delay causes prejudice to the delinquent employee and considering the gravity of alleged misconduct, this court can set aside the charge memo/show cause notice in the interest of clean and honest administration. In the case on hand, no such plea has been taken. Therefore, this Court is not inclined to quash the charge memo on the ground of delay and laches. The grounds raised by the petitioner can



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very well be placed before the Enquiry Officer during the enquiry.

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7. With this liberty, this writ petition is closed. Since the petitioner has attained the age of superannuation, the disciplinary proceedings initiated against the petitioner shall be concluded within a period of four months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

02.12.2025

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Index : Yes / No.

Internet: Yes / No.

NCC : Yes / No.

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