



W.P.(MD)No.27882 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.10.2025

CORAM

THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.27882 of 2023

and

W.M.P.(MD)Nos.23983 of 2023 & 382 of 2025

W.Beneesh Jenophin

: Petitioner

Vs.

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.The Commissioner,
Sathankulam Panchayat Union,
Thoothukudi District.

3.The Executive Engineer / Enquiry Officer,
Rural Development Agency,
Thoothukudi District,
Thoothukudi.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records on the file



W.P.(MD)No.27882 of 2023

of the first respondent in connection with the impugned charge memo as well as recovery proceedings issued in Na.Ka.No.Va2/699/2015-2 and Se.Mu.No.Va2/699/2015-3 dated 13.02.2023 and quash the same as illegal and arbitrary.

For Petitioner : Mr.G.Thalaimutharasu

For Respondents : Mr.C.Satheesh,

Government Advocate

ORDER

This Writ Petition has been filed challenging the impugned charge memo dated 13.02.2023 issued to the petitioner. The petitioner has challenged the impugned charge memo arbitrarily on the ground that there has been an inordinate delay in the issuance of the impugned charge memo on the petitioner.

2.Admittedly, the incident which is subject matter of the impugned charge memo took place on 16.04.2013. However, the impugned charge memo has been issued on 13.02.2023 ie., after a lapse of 10 years from the date of the incident, which is clearly an inordinate delay. Consequent to the issuance of the impugned charge memo dated 13.02.2023, the respondents have also issued a recovery order dated 13.02.2023 seeking to recover the alleged loss



W.P.(MD)No.27882 of 2023

suffered by the respondents. The petitioner also contends in the affidavit filed in support of this Writ Petition that the allegation levelled against him in the impugned charge memo is false. According to him, he was never working in the Panchayat Union office at the relevant point of time and therefore, the charge that he has sanctioned funds for construction of a compound wall for Panchayat Union office in the land which has already been allotted to the court for construction of judicial officers quarters is incorrect and is false. The petitioner had also placed on record the administrative sanction granted by the respondents for the construction of the compound wall, which will make it clear that the said sanction was granted only after the petitioner had left the Panchayat Union office.

3. Eventhough, a counter has been filed by the respondents, on the merits of the impugned charges framed against the petitioner, there is no reason given by the respondents in the counter as to why there has been an inordinate delay in framing the impugned charges against the petitioner. The law has been well settled by various decisions rendered by the Hon'ble Supreme Court as well as this Court that in case of inordinate delay in framing charges without proper explanation, for the said delay, the charge memo issued with



W.P.(MD)No.27882 of 2023

an inordinate delay is illegal. In the case on hand, in the counter filed before this Court, no proper reasons have been given by the respondents for the inordinate delay in framing charges against the petitioner. The petitioner has also placed on record sufficient materials to prove that at the time of administrative sanction granted by the respondents for the construction of compound wall, the petitioner was no longer in the services of the subject Panchayat Union office. He has also categorically pleaded that he is innocent of the charges framed against him and no way responsible for the alleged incident which resulted in the framing of the charges against the petitioner.

4. Admittedly, for an incident which happened on 16.04.2013, the impugned charges has been framed against the petitioner on 13.02.2023 ie., after a lapse of almost 10 years from the date of the alleged incident, which the petitioner also categorically contends with supporting documents to prove that he is not responsible for the alleged misconduct. Therefore, on the ground of inordinate delay in the framing of charges necessarily, the impugned charge memo has to be quashed. The petitioner is also having the benefit of an interim order right from 24.11.2023, granting interim stay of the operation of the impugned charge memo.



W.P.(MD)No.27882 of 2023

WEB COPY

5.For the foregoing reasons, the impugned charge memo as well as recovery proceedings dated 13.02.2023 are hereby quashed.

6.Accordingly, this Writ Petition stands allowed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

27.10.2025

Index :Yes / No
Internet : Yes / No
NCC : Yes/No
MR



WEB COPY



W.P.(MD)No.27882 of 2023

To

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.The Commissioner,
Sathankulam Panchayat Union,
Thoothukudi District.

3.The Executive Engineer / Enquiry Officer,
Rural Development Agency,
Thoothukudi District,
Thoothukudi.



WEB COPY



W.P.(MD)No.27882 of 2023

ABDUL QUDDHOSE., J.

MR

W.P.(MD)No.27882 of 2023

27.10.2025