



WP.(MD)No.29392 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 04.12.2025

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

WP.(MD)No.29392 of 2023
and WMP.(MD)Nos.25358 of 2023 & 16669 of 2024

R.Sathees Prabu

... Petitioner

Vs.

1.The Assistant Director of Co-Operative Audit
O/o. Assistant Director of Co-Operative Audit,
Municipal Community Hall
Vadakarai
Periyakulam
Theni District.

2.The Assistant Director of Co-operative Audit,
O/o. Assistant Director of Co-operative Audit,
Plot No.82, Nizam Nagar,
Pudukkottai-622001
Pudukkottai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorari, to call for the records relating to the impugned order passed by the second respondent vide his proceedings in Na.Ka.No.5/2023 AaPaAa dated 27.07.2023 and quash the same as illegal.



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For Petitioner

: Mr.G.Prabhu Rajadurai

For Respondents

: Mr.C.Venkatesh Kumar,
Special Government Pleader.

ORDER

The petitioner is working as Co-operative Audit Officer. He has been issued with charge memo that he has failed to note passbook entries with the corresponding bank entries. The petitioner has challenged the charge memo dated 27.07.2023 on the ground that this charge memo has been levelled as against the him without any oral evidence and also with a delay.

2.The learned counsel appearing for the petitioner submits that similar charge memo was issued as against the petitioner on 17.09.2021, however, the same has been withdrawn by the authority on 25.10.2021. Again, another charge memo has been issued as against the petitioner on 27.07.2023 and that too, after a period of two years. Therefore, the charge



memo is attacked on the grounds of delay and without any oral evidence.

In support of his contention, the learned counsel for the petitioner has also relied on the following judgments:-

1)WP.No.10153 of 2023 dated 07.07.2023

2)Roop Singh Negi Vs. Punjab National Bank and Others reported in (2009) 2 SCC 570

3)WP.No.14879 of 2016 dated 14.02.2023.

3.This Court has considered the submissions made on either side and perused the available records.

4.The order impugned in this writ petition is a charge memo. The charge memo can be challenged only on the grounds of jurisdiction and malafidness. Delay in initiating the disciplinary proceedings by itself is not a ground to quash the charge memo, unless such delay causes prejudice to the delinquent employee. Gravity of the misconduct has to be taken into account and in this regard, this Court draws support from the decision of



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the Hon'ble Supreme Court in *Secretary, Ministry and Defence and others*

Vs. Prabhash Chandra Mirdha [(2012) 11 SCC 565].

5.The petitioner can raise the grounds raised in this writ petition during the course of enquiry and in the absence of oral evidence, the enquiry officer and disciplinary authority can take a call whether charges are proved or not.

6.The judgments relied on by the learned counsel for the petitioner are all judgments which are passed on the order of punishment. The petitioner is at the stage of enquiry and the impugned order is only a charge memo. Therefore, this Court is not inclined to interfere on the principles laid down by the Hon'ble Supreme Court in *Union Of India vs. Kunisetty Satyanarayana [(2006) 12 SCC 28]*.

7.The petitioner is at liberty to raise all the grounds before the enquiry officer, who shall consider the same and decide whether charges are proved or not. Considering the fact that the charges have been levelled for the



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delinquency said to have taken place in the year 2013-2014, the enquiry officer shall complete the disciplinary proceedings, as expeditiously as possible, preferably, within a period of six months from the date of receipt of a copy of this order. Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

04.12.2025

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