



W.P.(MD)No.30986 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.11.2025

CORAM

THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.30986 of 2023
and
W.M.P.(MD).No.26571 of 2023

P.Vijaya Kumar

... Petitioner

Vs.

1.The Director of Survey and Settlement,
Chennai-5.

2.The Assistant Director (Full Additional Charge),
District Land Survey Office,
Madurai-20.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order of charge memo in Na.Ka.A4/1375/2014 dated 05.06.2023 on the file of the respondent No.2 and quash the same as illegal and consequently for a direction, directing the respondents to regularize the services of the Petitioner with consequential benefits, promotion on par with the batchmates within the time period stipulated by this Court.

For Petitioner : Mr.G.Karthik,
for M/s.T.Lajapathi Roy and Associates

For Respondents : Mr.A.Baskaran,
Additional Government Pleader



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ORDER

This writ petition has been filed challenging the impugned charge memo dated 05.06.2023 issued to the petitioner by the second respondent.

2. The charge memo has been issued as according to the respondents, the petitioner received a bribe of Rs.750/- while he was working as a Surveyor in the respondent Department. The incident is said to have happened on 17.02.2014. The petitioner has challenged the impugned charge memo primarily on the following grounds:

(a). The charge memo has been issued with an inordinate delay of nine years, since the alleged incident is said to have happened in the year 2014 itself.

(b). This Court has acquitted the petitioner of all criminal charges pertaining to the very same incident, which was the subject matter of disciplinary proceedings initiated against the petitioner, which resulted in issuance of the impugned charge memo.

3. The learned counsel appearing for the petitioner would submit that both before the Criminal Court as well as the disciplinary proceedings, the same witnesses and documents are relied upon to prosecute the petitioner and



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therefore, the impugned charge memo has to be quashed, since the petitioner has been reinstated into service on 29.03.2023, subsequent to his acquittal in the criminal case by virtue of the judgment rendered by this Court in CrI.A. (MD).No.401 of 2016, dated 29.06.2022.

4. The learned counsel appearing for the petitioner drew the attention of this Court to the decision of the learned Single Judge of this Court dated 24.09.2024 passed in ***W.P.Nos.24167 and 24170 of 2024*** in the case of ***S.Vijayasekar Vs. the State of Tamil Nadu and another*** and would submit that in the said decision as well, by following the decision rendered by the Hon'ble Supreme Court in ***Ram Lal's case (Ram Lal Vs. State of Rajasthan and Others)*** reported in ***(2024) 1 SCC 175***, the learned Single Judge has held that the charges in the departmental enquiry and the Criminal Court are identical and the evidence of witnesses and circumstances are also identical and the criminal proceedings has ended in acquittal, the departmental proceedings / disciplinary proceedings will have to fail and it cannot independently proceed further.

5. However, in the aforesaid decision of the Hon'ble Supreme Court in ***Ram Lal's case***, the Hon'ble Supreme Court has held that the Court is supposed to read the entire judgment to first come to a conclusion as to whether the



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acquittal was by means of benefit of doubt or on the ground that the charge itself has not been proved. In the former case, the Hon'ble Supreme Court held that there is no bar for proceeding further with the departmental proceedings but in the latter, departmental proceedings cannot go on.

6. The learned counsel appearing for the petitioner also drew the attention of this Court to the judgment of this Court in the criminal appeal filed by the petitioner in ***Crl.A.(MD).No.401 of 2016***, dated 29.06.2022, wherein, the petitioner has been acquitted and would submit that as seen from the said judgment, more particularly, Paragraph No.29, the learned Single Judge of this Court has held that the demand of bribe by the petitioner and receipt of the same was highly improbable. Therefore, he would submit that by following the ratio laid down in ***Ram Lal's case***, the impugned charge memo is liable to be quashed.

7. The learned counsel appearing for the petitioner also drew the attention of this Court to another decision of the learned Single Judge of this Court dated 26.09.2021 rendered in ***W.P.(MD).No.16468 of 2021*** dated 26.09.2021 in the case of ***S.Elenchezhian Vs. The Deputy Inspector General of Police*** and would submit that the learned Single Judge by following the decision of the Division



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Bench of this Court dated 30.11.2017 in ***W.A.No.1573 of 2017*** in the case of

N.Gokulakrishnan Vs. The Regional Transport Officer, Nagapattinam, had

quashed the charge memo on the ground that there was no independent application of mind by the competent authority to the acquittal in the criminal case. Therefore, the learned counsel appearing for the petitioner would submit that even in the case on hand, there was no independent application of mind by the competent authority to the acquittal judgment passed in favour of the petitioner in the criminal appeal before issuing the impugned charge memo.

8. This Court had also directed the parties to produce the representation given by the petitioner dated 25.01.2023 requesting the respondents to be reinstated into service, pursuant to the acquittal judgment rendered by this Court through its order dated 29.06.2022 in CrI.A.(MD).No.401 of 2016. As directed by this Court, the representation of the petitioner dated 25.01.2023 has also been placed on record by the respondents today. As seen from the said representation, the petitioner has not given his no objection for the respondents to initiate disciplinary proceedings against the petitioner in respect of the same cause of action. Therefore, the learned counsel appearing for the petitioner would submit that in view of the fact that the impugned charge memo has been issued with an inordinate delay and in view of the fact that this Court has



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acquitted the petitioner through its criminal appeal judgment, the impugned charge memo has to be quashed by this Court.

9. On the other hand, the learned Additional Government Pleader appearing for the respondents would submit as follows:

(a). There is no prohibition for the respondents to initiate disciplinary proceedings against the petitioner despite the fact that the Criminal Court has acquitted the petitioner.

(b). He would submit that only by giving benefit of doubt to the petitioner, the Criminal Court has acquitted the petitioner.

(c). There was no delay on the part of the respondents to initiate disciplinary proceedings, since this Court had acquitted the petitioner through the criminal appeal judgment only on 29.06.2022, whereas, the impugned charge memo came to be issued on 05.06.2023 after the petitioner was reinstated into service on 29.03.2023.

10. It is settled position of law that parallel proceedings for launching the criminal prosecution as well as for initiating disciplinary proceedings against the delinquent is legally permissible. In the case on hand, at the first instance, the respondents had initiated criminal prosecution alone by lodging a criminal



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complaint against the petitioner, which resulted in the registration of the First Information Report against him. Subsequently, the charge sheet was filed and the Criminal Court (trial Court) had convicted the petitioner in respect of the charge that he had received a sum of Rs.750/- as bribe while he was working as a Surveyor in the respondent Department. Aggrieved by the said judgment of the trial Court, the petitioner preferred an appeal before this Court through the criminal appeal and this Court by its judgment dated 29.06.2022 in Crl.A.(MD).No.401 of 2016 filed by the petitioner, set aside the order of the trial Court and acquitted the petitioner. In paragraph No.29 in the aforesaid judgment, the learned Single Judge of this Court in Crl.A.(MD).No.401 of 2016 has observed that the demand of bribe and receipt of the same by the petitioner was highly improbable. The Hon'ble Supreme Court in ***Ram Lal's case (Ram Lal Vs. State of Rajasthan and Others)*** reported in ***(2024) 1 SCC 175***, has held that the Court is supposed to read the entire judgment to first come to a conclusion as to whether the acquittal was by means of benefit of doubt or on the ground that the charge itself has not been proved. In the case on hand, the learned Single Judge in the criminal appeal judgment through which the petitioner has been acquitted has held that the demand of bribe by the petitioner and receipt of the same was highly improbable. This observation has been made only after giving due consideration to the evidence placed on record by



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the prosecution and after giving due consideration to the oral testimony of five witnesses on the side of the prosecution.

11. Further, the charge framed against the petitioner in the disciplinary proceedings, which is also the same charge in the criminal proceedings, is that the petitioner had received a sum of Rs.750/- as bribe while he was working as a Surveyor in the respondent / Department. The incident is said to have happened in the year 2014. It is also not a case of the respondents that the petitioner had committed a similar misconduct thereafter. Admittedly, the charges in the departmental enquiry and the charges in the criminal proceedings are identical and the evidence of witnesses and circumstances are also identical. Based on the evidence of witnesses and the materials placed on record before the Criminal Court, the petitioner has also been acquitted pursuant to the orders passed in CrI.A.(MD).No.401 of 2016 filed by the petitioner before this Court. Therefore, by applying the ratio laid down by the Hon'ble Supreme Court in ***Ram Lal's case (Ram Lal Vs. State of Rajasthan and Others) reported in (2024) 1 SCC 175***, the disciplinary proceedings initiated against the petitioner will have to fail in view of the observations made by the learned Single Judge in the Criminal Appeal through which the petitioner has been acquitted that the petitioner having demanded the bribe and also received the same is highly



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improbable. When such a finding has been rendered that the charge framed against the petitioner is highly improbable and that too when the petitioner has not committed any other misconduct since 2014 till date, which is also admitted by the respondents, the question of punishing the petitioner once again through initiation of disciplinary proceedings against him does not arise. Further, when there is no statutory bar for the respondents to simultaneously initiate disciplinary proceedings as well as lodge the criminal proceedings against the delinquent and that too when the explanation given by the respondents for not initiating disciplinary proceedings against the petitioner at the first instance being not satisfactory, the question of re-agitating the issue by the respondents against the petitioner by initiating disciplinary proceedings against him through the impugned charge memo does not arise. Admittedly, the alleged demand and receipt of a bribe of Rs.750/- by the petitioner is said to have happened in the year 2014. However, there is no proper explanation offered by the respondents for the inordinate delay in issuing the charge memo dated 05.06.2023. The reason given that only after the petitioner was acquitted by this Court through its order dated 29.06.2022 in Crl.A.(MD).No.401 of 2016 and only after the petitioner was reinstated into service on 29.03.2023, the respondents were in a position to issue the impugned charge memo on 05.06.2023, cannot be accepted by this Court



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12. As observed earlier, when there was no statutory bar for the respondents to initiate disciplinary proceedings as well as the initiation of criminal proceedings against the petitioner simultaneously, the reason given by the respondents for the inordinate delay in the issuance of the impugned charge memo has to be rejected by this Court. The law is now well settled with regard to the inordinate delay in the issuance of the impugned charge memo. Whenever there is an inordinate delay in the issuance of charge memo and that too when no sufficient reasons have been given for the said delay, the charge memo cannot be proceeded with any further. In fact, I had also taken the very same view through my order dated 07.11.2025 in ***W.P.(MD).Nos.9595 of 2021 and 24018 of 2024*** in the case of ***M.Masanam @ Muthiah Vs. The Principal Secretary, Revenue Department, Fort St.George, Chennai and others.*** It is also noticed from the impugned charge memo that the respondents have not independently applied their mind to the acquittal judgment rendered by this Court in favour of the petitioner in CrI.A.(MD).No.401 of 2016, dated 29.06.2022, before issuing the impugned charge memo. Whenever there was no independent application of mind by the competent authority to the acquittal judgment in a criminal case, the respondents cannot initiate the departmental action and frame the charge memo against the delinquent. The Division Bench of this Court in its judgment dated 30.11.2017 in ***W.A.No.1573 of 2017*** in the



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case of ***N.Gokulakrishnan Vs. The Regional Transport Officer,***

Nagapattinam, has also taken the very same view and therefore, the said decision is also binding on this Court. The Division Bench judgment was also followed by another learned Single Judge of this Court in its order dated 26.09.2021 in ***W.P.(MD).No.16468 of 2021*** in the case of ***S.Elenchezhian Vs. The Deputy Inspector General of Police.*** Therefore, on the ground that there was no independent application of mind by the competent authority before issuing the impugned charge memo with regard to the acquittal judgment passed by this Court in the petitioner's favour, this Court has to necessarily quash the impugned charge memo for the following reasons:

(a). The impugned charge memo has been issued with an inordinate delay of nine years though the alleged incident is said to have been happened in the year 2014.

(b). The Criminal Court has acquitted the petitioner of all criminal charges pertaining to the very same cause of action.

(c). This Court, in Crl.A.(MD) No.401 of 2016, through which the petitioner was acquitted, has held that it is highly improbable that the petitioner



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had demanded and received a bribe. In such circumstances, the question of initiating disciplinary proceedings against the petitioner, that too after a lapse of more than nine years, and particularly, when the petitioner has not been found to have committed any other misconduct since 2014 even according to the respondents, does not arise. Therefore, the impugned charge memo has to be treated as bad in law.

(d). No sufficient cause has been shown by the respondents for the inordinate delay in the issuance of the impugned charge memo that too when there is no statutory prohibition for them to initiate departmental proceeding as well as the criminal proceedings simultaneously.

13. There has been no independent application of mind by the competent authority, who has issued the impugned charge memo with regard to the acquittal judgment obtained by the petitioner from this Court in CrI.A.(MD).No. 401 of 2016 dated 29.06.2022.

14. For the foregoing reasons, this Court is of the considered view that the issuance of the impugned charge memo dated 05.06.2023 by the second respondent to the petitioner is arbitrary and illegal and it has to be quashed.



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15. Accordingly, the impugned charge memo dated 05.06.2023 issued by the second respondent is hereby quashed and this writ petition is allowed. No costs. Consequently, the connected miscellaneous petition is closed.

20.11.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
TSG

To

- 1.The Director of Survey and Settlement,
Chennai-5.
- 2.The Assistant Director (Full Additional Charge),
District Land Survey Office,
Madurai-20.



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