



WEB COPY

WP No. 2272 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-01-2026

CORAM

THE HON'BLE MR JUSTICE M.DHANDAPANI

**WP No. 2272 of 2026
and WMP.No.2513 of 2026**

T.Vijayakumar
S/o.Thangaraju,
Assistant Commissioner/
Personal Assistant to Joint Commissioner,
Arulmigu Subramaniasamy thirukovil
Tiruthani-631 209

..Petitioner(s)

Vs

1. The Principal secretary to Government
Tourism, Culture and Religious Endowment
Department
Secretariat,
Chennai-600 009
2. The Commissioner
HR and CE Department
Uthamar Gandhi Road,
Nungambakkam,
Chennai-600 034

..Respondent(s)

Writ Petition filed under Article 226 of the Constitution of India,
seeking issuance of a Writ of Certiorari, calling for the records of the 2nd
respondent by proceedings in Charge Memo RC.No.51305/2009/B1 dated
18.07.2024 and quash the same.

For Petitioner(s): Mr.P.Saravana Sowmiyan

For Respondent(s): Mr.K.Karthikeyan
Government Advocate



ORDER

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This Writ Petition has been filed seeking quashment of the impugned proceedings in Charge Memo RC No.51305/2009/B1 dated 18.07.2024 passed by the second respondent.

2. Mr.K.Karthikeyan, learned Government Advocate takes notice on behalf of the respondents. In view of the consent expressed by the learned counsel on either side, the Writ Petition is taken up for final disposal at the stage of admission itself.

3.1 The case of the petitioner is that the petitioner is presently working as Assistant Commissioner/Personal Assistant to the Joint Commissioner at Arulmigu Subramanyasamy Thirukoil, Tiruthani. Earlier, while he was working as Assistant Commissioner/Executive Officer at Arulmigu Sugavaneswarar Temple, Salem, an FIR was registered against him in Crime No.13/AC/2009 dated 10.09.2009 under the provisions of the Prevention of Corruption Act alleging demand and acceptance of illegal gratification.

3.2 After investigation, a charge sheet was filed and the case was taken on file in C.C.No.57 of 2014 on the file of the Special Court for Prevention of Corruption Act Cases, Salem. By judgment dated 14.10.2016, the petitioner was



convicted and sentenced to undergo one year rigorous imprisonment and consequently he was dismissed from service by G.O.(2D) No.11 dated 04.06.2018.

3.3 Challenging the conviction, the petitioner filed Criminal Appeal No.755 of 2016 and this Court by judgment dated 24.05.2023 acquitted the petitioner on merits. Thereafter, the petitioner was reinstated in service on 26.11.2024 and joined duty on 05.12.2024. However, during the period when the petitioner was out of service, the second respondent issued a charge memo in Rc.No.51305/2009/B1 dated 18.07.2024 under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules. Challenging the same, the present writ petition has been filed.

4. The learned counsel for the petitioner submitted that the impugned charge memo was issued when the petitioner was not in service, as he had already been dismissed from service and was reinstated only subsequently. Therefore, in the absence of employer–employee relationship, the second respondent had no disciplinary jurisdiction to issue the charge memo. Therefore, he prayed for quashment of the impugned proceedings of the second respondent.



5. The learned Government Advocate appearing for the respondents submitted that the second respondent may be permitted to withdraw the impugned charge memo dated 18.07.2024 and liberty may be granted to initiate fresh charge memo in accordance with law.

6. In view of the fair submission made by the learned Government Advocate, the impugned charge memo dated 18.07.2024 is set aside with liberty to the respondents to initiate fresh charge memo in accordance with law.

7. Accordingly, the writ petition stands allowed. No Costs. Consequently, connected miscellaneous petition is closed.

29-01-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

ANU



To

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Department
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2. The Commissioner
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M.DHANDAPANI, J.

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