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IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 19.02.2026

PRONOUNCED ON : 02.04.2026

CORAM :

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN
AND
THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

W.P.Nos. 7179 & 7180 of 2025
And
W.M.P.Nos. 7964 & 7970 of 2025

K.Suresh
Son of Mr.V.Kandasamy

...Petitioner in both W.Ps.

Vs.

1. The union of India represented by
The Secretary to Government's Ministry of Personnel, Public
Grievances and Pensions, Department of Personnel and Training
North Block, New Delhi – 110 001.
2. The Chief Secretary
Government of Madhya Pradesh
Bhopal, Madhya Pradesh ... Respondents in both W.Ps.

PRAYER W.P.No. 7179 of 2025: Petition under Article 226 of the
Constitution of India, praying for the issue of a Writ of Certiorarified
Mandamus to call for the records relating to the impugned order in
O.A.No. 954 of 2016 dated 25.10.2024 passed by the Hon'ble Central



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Administrative Tribunal, Chennai and quash the same and direct the respondents to refrain from proceeding with the disciplinary action pursuant to the charge memo issued by the First Respondent in No. 106/19/2011-AVD 1 dated 26.08.2015 and grant me all retirement benefits with interest.

PRAYER W.P.No. 7180 of 2025: Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus to call for the records relating to the impugned order in O.A.No. 1080 of 2018 dated 25.10.2024 passed by the Hon'ble Central Administrative Tribunal, Chennai and quash the same and direct the respondents to refrain from proceeding with the disciplinary action pursuant to the charge memo issued by the First Respondent in No. 106/19/2011-AVD 1 dated 26.08.2015 and grant me all retirement benefits with interest.

For Petitioner in
both W.Ps. : Mr. P.Rajendran

For Respondents in
both W.Ps. : Mr. V.Chandrasekar
Central Government Standing Counsel

COMMON ORDER



(Order of the Court was made by **C.V.KARTHIKEYAN, J.**)

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These two Writ Petitions have been filed by K.Suresh, the petitioner in O.A.No. 954 of 2016 and in O.A.No. 1080 of 2018, aggrieved by the common order dated 25.10.2024 passed by the Central Administrative Tribunal, Chennai Bench dismissing both the Original Applications.

2. Both the Original Applications and both the Writ Petitions relate to the same bundle of facts. Arguments were also advanced in common. We would therefore passed a common order in both the Writ Petitions.

3. The petitioner K.Suresh was an IAS Officer of the 1982 batch in Madhya Pradesh cadre. He had served for over 33 years at the Centre and State levels. He was to retire on attaining the age of superannuation on 31.08.2015. He was to have retired as Principal Secretary, General Administration, Human Rights and Legislative Affairs, Government of Madhya Pradesh.

4. It is his contention that on the last date of his service on 31.08.2015, he attended office till 02.00 p.m., and thereafter at around 02.15 p.m submitted the form relating to handing over of charge, which



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was acknowledged by the Secretary to the Government of Madhya Pradesh, General Administrative Department. He then left his office.

During the arguments, it emanated that he had gone over to have tea with the Chief Secretary of the Government of Madhya Pradesh.

5. It is his further contention that he came down to Chennai to settle down when he received a notice dated 05.10.2015 which stated that a charge memo dated 26.08.2015 had been issued to him following the panchanama procedure and that he had refused to accept the same. In the notice, it was also stated that a scanned copy of the charge memo had also been sent to his personal and official E-mail addresses. The charge memo was also enclosed along with the notice. The petitioner was called upon to submit his written statement of defence within a period of two weeks.

6. The petitioner issued a reply on 12.11.2015 denying the allegation that he had refused to receive the charge memo and pointed out that the charge memo sent on 05.10.2015 was invalid since he had already retired from service. He therefore sought withdrawal of the charge memo.

7. The petitioner then obtained information under the Right to



Information Act and came to know that the charge memo dated 26.06.2008 had been pasted on his official residence at 03.00 p.m., on 31.08.2015 after he had handed over charge at 02.15 p.m. and had left the office, presumably having retired.

8. It was contended that he was neither suspended from service nor retained in service to initiate or continue the disciplinary proceedings. The charge memo related to the period 2005, when he was functioning as Chairman of Chennai Port Trust. It was contended that the issuance of the charge memo on the date of his retirement was impermissible.

9. The petitioner filed O.A.No. 954 of 2016 before the Central Administrative Tribunal, Chennai, challenging the charge memo. Even when the matter was pending before the Tribunal, an Enquiry Officer had been appointed and the petitioner was called to attend the enquiry proceedings. Claiming that the issuance of charge memo requires delivery of the charge memo in person and contending that the charge memo had never been served on him in accordance with due procedure, and questioning the enquiry proceedings, he filed O.A.No. 1080 of 2018 again before the Central Administrative Tribunal, Chennai.



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10. The petitioner contended that service of notices and process in a litigation is different from service of a charge memo in disciplinary proceedings. He contended that the charges related to the years 2005 to 2009, and that they were time barred. He also questioned the disciplinary proceedings initiated against him and contended that the entire proceedings stand vitiated owing to violation of the rules governing issuance of a charge memo.

11. The Tribunal had taken up for consideration both the Original Applications and by common order dated 25.10.2024, dismissed both the applications. The Tribunal in its order had observed that the charges included allegations of money laundering when the petitioner was Chairman of Chennai Port Trust during the year 2005. It was also observed that the charges alleged that he indulged in depositing the laundered money in bank accounts held in several names and then used those funds to obtain 11 demand drafts in favour of his wife. He also indulged in carrying on construction of building to the value of Rs.70.31 lakhs at Chennai on land which was originally allotted to his wife in a family partition. It was further alleged that the petitioner had not disclosed the actual value of the



land and building in his Property Returns filed in the year 2004-2005. It was also observed by the Tribunal that several other financial transactions had also been listed in the Charge Memo about which intimation had not been given to the competent authority.

12. With respect to the manner in which the charge memo was issued, it had been observed that the petitioner was not present in office after 02.00 p.m and therefore, it was not possible to serve the charge memo on him in person. The charge memo was therefore pasted in his official residence. It was also pointed out that the charge memo had been earlier served through electronic mail to the personal and official e-mail addresses. The Charge Memo was also sent through registered post to his official residence which was returned with an endorsement 'refused'. The Tribunal therefore held that necessary and sufficient steps had been taken to serve the charge memo. It was also held that since the charge memo had been issued before the retirement of the petitioner, it must be deemed that departmental proceedings had commenced. The contention of the petitioner that he had not been placed under suspension and must be deemed to have retired was rejected. The Tribunal dismissed both the Original Applications, necessitating the petitioner to file the present two



14. Mr.P.Rajendran, learned counsel for the petitioner pointed out that the petitioner, an IAS Officer, was, at the time of his retirement on 31.08.2018, working as Under Secretary to the Government of Madhya Pradesh. On the date of his retirement, he had handed over charge and submitted the necessary form and thereafter left the office at 02.15 p.m. The learned counsel contended that since the petitioner had handed over charge, it must be deemed that he had retired from service the minute he had handed over the charge. The learned counsel contended that the petitioner also went over to the office of the Chief Secretary to have tea. The learned counsel denied that copies of the charge memo had been earlier sent through electronic mail either to the personal e-mail address or the official e-mail address of the petitioner. The learned counsel argued that the contention of the respondents that a copy of the charge memo was pasted in the official residence of the petitioner cannot be considered as



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proper service since the petitioner had demitted office on attaining the age of superannuation and had also left the office and therefore could no longer be considered as a public servant.

15. The learned counsel further contended that the relationship of employer / employee stood frustrated once the petitioner had handed over charge to the subsequent officer. The learned counsel further contended that the charge memo should have been served in person in accordance with the rules and service through any other alternate method would vitiate the proceedings and therefore contended that the entire proceedings will have to be struck down.

16. In this connection, the learned counsel placed reliance on Rule 8(5) of the Indian Service (Discipline and Appeal) Rules relating to delivery of a charge memo which specifically provided that a charge memo shall be delivered or caused to be delivered in person. It had been contended that issuance of a charge memo was distinguishable from delivery of the charge memo.

17. The learned counsel placed reliance on the order of the



Bangalore Bench of the Central Administrative Tribunal in O.A.No. 395 of 2014 which order was confirmed by the Division Bench of the High Court of Karnataka, Bangalore in W.P.No. 51898/2015 (S-CAT) and further confirmed by the Hon'ble Supreme Court of India in Special Leave to Appeal C.C.No. 13848 of 2016 wherein it had been held that service of a charge memo is mandatory.

18. The learned counsel further pointed out that whenever disciplinary proceedings are contemplated to be initiated, service of charge memo is essential and mere communication is not sufficient. He contended that actual service must be proved. The learned counsel contended that service of notices and process in a litigation are different from service of a charge memo and argued that since the charge memo had not been directly served on the petitioner, it can never be stated that the disciplinary proceedings had commenced prior to the date of retirement. It was further contended that the petitioner had never refused to receive the charge memo. It was further contended that the endorsement 'refused' in the notice sent through registered post had not been made by the petitioner since the petitioner had vacated the residential quarters on the date of his retirement. It was also contended that explanation had not been given by the



respondents as to why the charge memo was issued just a few days prior to the retirement of the petitioner when the allegations related to the year 2005 onwards. The learned counsel therefore contended that the Writ Petitions must be allowed and the charge memo and the disciplinary proceedings must be quashed.

19. Mr.V.Chandrasekaran, learned Central Government Standing Counsel for the respondents disputed the said contentions. The learned counsel pointed out that the charges against the petitioner were very serious in nature. As a matter of fact, even prior to his retirement on 26.08.2015, a charge memo had been forwarded to the petitioner by electronic mail to both his personal e-mail address and the official e-mail address. The learned counsel argued that such service should be construed as direct service of the charge memo. The learned counsel further pointed out that on 31.08.2018, the petitioner had left the office at 02.15 p.m., after signing the form, but however nobody had taken over charge from the petitioner and therefore, the petitioner was deemed to be in office. He also pointed out that retirement would be effective only from the closing time of the office and not at a time when the petitioner wishes in the mid afternoon. He also pointed out that immediately at 03.15 p.m, since the petitioner was



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not available in the office, the charge memo had been pasted in the official residence of the petitioner. He also stated that on that date, the charge memo was also sent by registered post to the official residence of the petitioner. The cover had been returned with an endorsement 'refused' and significantly not with an endorsement that the person was not available or had left. The learned counsel therefore contended that the petitioner had deliberately refused to receive the charge memo.

20. The learned counsel further argued that the records in this connection are available. During the course of arguments the original records relating to service of charge memo in the aforesaid manner had also been produced. The learned counsel argued that the petitioner had deliberately avoided receipt of the charge memo and cannot take advantage of this surreptitious act of evading service and avoiding receipt of the charge memo. The learned counsel contended that the Tribunal had correctly dismissed the applications and urged dismissal of the Writ Petitions.

21. We have carefully considered the arguments advanced and



perused the materials available on record.

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22. The petitioner, an IAS Officer of Madhya Pradesh Cadre was functioning as Principal Secretary, General Administration, Human Rights and Legislative Affairs, Government of Madhya Pradesh when he attained the age of superannuation and was to retire from service on 31.08.2015. Much earlier while functioning as Chairman of Chennai Port Trust during the year 2005, it has been alleged that he had indulged in money laundering by depositing cash of Rs.15,00,000/- in the account of one K.P.Ramaraja alias Kuwait Raja in the IIT Branch of Canara Bank for purchase of a plot along with house at Kodaikanal. The sale deed was executed in the name of P.K.Ganesh Ram of Rajapalayam, the brother-in-law of K.P.Ramaraja @ Kuwait Raja. The petitioner was alleged to have indulged in various other transactions of similar nature which have been listed out. These allegations necessitated issuance of a charge memo on 26.08.2015. There were totally six separate charges.

23. It is the case of the respondents that this charge memo was sent through E-mail on 26.08.2015 to the personal and official e-mail addresses of the petitioner. There is no specific denial of this fact by the petitioner.



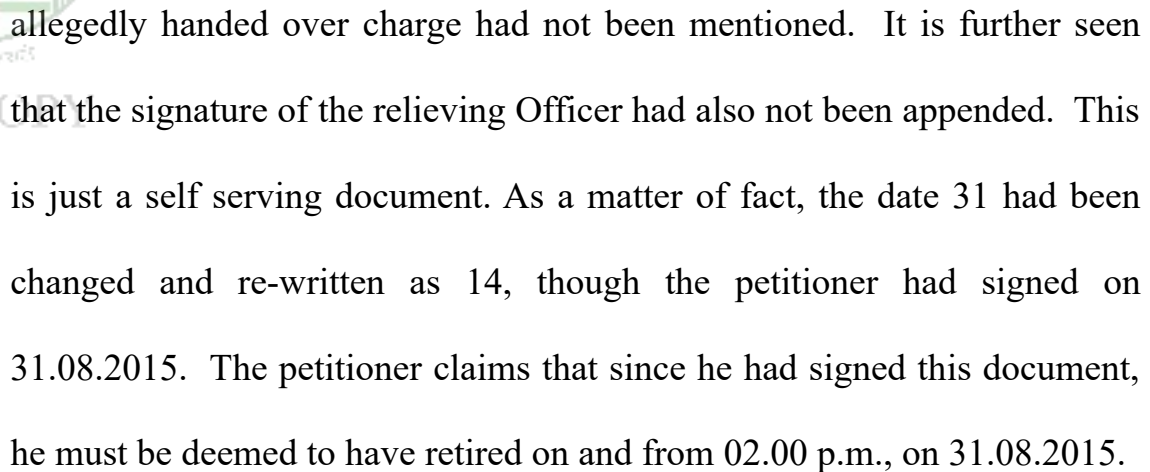
WEB COPY 24. Apart from forwarding the charge memo by e-mail on 26.08.2015, the copy of the charge memo was sent to the official address of the petitioner herein by registered post.

25. On 31.08.2015, the date on which the petitioner was to retire, he left office around 02.15 p.m., according to him, after handing over charge. He then went to the office of the Chief Secretary to have tea. He did not come back to his office.

26. The document by which he had handed over charge had been presented before this Court. A scanned copy of the same is extracted below:-

that
of the
the

27. It is seen
the designation
Officer to whom
petitioner had



29. Every public office transacts business till the closing hours in the evening and till that time, every public servant, including the petitioner is deemed to be a public servant. The petitioner cannot walk away from office at any time he pleases and claim that he was no longer in service.

Page 15 of 23



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instructions may be obtained from the higher officials of the Government of India. It was then informed that the charge memo could be served by pasting it in the official residence of the petitioner. Accordingly, it was pasted his official residence at B-2, Char Lmli, Bopal at 03.15 p.m., in the evening on 31.08.2015 by the S.D.O (Revenue), Thasildar and additional Thasildar as directed by the Collector, Bhopal. This act of pasting the charge memo was photographed and videographed and a panchanama was also prepared and the same was sent by the Government of Madhya Pradesh to the Government of India by letter dated 31.08.2015.

31. During the arguments, we had called for the records for pasting of the charge memo in the official residence of the petitioner herein. Accordingly, the entire original records including the photographs and also the original panchanama and also the order of the Collector, Bhopal had been produced before us.

32. The learned counsel for the petitioner however argued that only Court notices and suit summons, could be sent in any mode, but a charge memo should be served in person and since this requirement had not been complied it has to be deemed that the petitioner had been permitted to



retire from service without issuance of any charge memo. He further pointed out that the petitioner had not been placed under suspension nor was any order passed not permitting him to retire.

33. In this connection, the learned counsel placed reliance on the Judgment of the Hon'ble Supreme Court reported in ***(2015) 11 SCC 628 [Tata Chemicals Ltd., Vs. Commissioner of Customs (preventive), Jamnagar]***. In the said Judgment, it had been held as follows:-

“If the law requires that something be done in a particular manner, it must be done in that manner, and if not done in that manner has no existence in the eye of the law at all.”

34. The learned counsel argued that since the rules provided that a charge memo must be served in person, the claim that service is sufficient though it had been served in an alternate mode should be rejected by this Court.



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35. The learned counsel further placed reliance on Rule 8(5) of the All India Services (Discipline and Appeal) rules relating to delivery of charge memo.

36. Rule 8(5) reads as follows:-

“8(5): The disciplinary authority shall deliver or cause to be delivered to the member of the service a copy of the articles of charge, the statement of the imputations.....”

37. Placing reliance on the above Rule and the Judgment referred Supra in ***(2015) 11 SCC 628 [Tata Chemicals Ltd., Vs. Commissioner of Customs (preventive), Jamnagar]***, learned counsel argued that since the charge memo had not been delivered in person on the writ petitioner, it must be deemed that the charge memo had never been delivered at all. It was further argued that an alternate method of service of a charge memo has not been contemplated in the rules and therefore, the claim of the respondents that they had sent the charge memo by e-mail or that they had affixed the charge memo in the official residence or that they had sent it by registered post would not come to their rescue to hold that the charge



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memo had been served in manner known to law and in accordance with the rules.

38. We however decline to accept the said arguments of the learned counsel.

39. The charge memo could be served on an Officer only if the Officer is physically present and receives the charge memo without any demur or protest. However, no notice, whether it be a charge memo or any other official communication can ever be served on any public servant when the public servant simply disappears from office even prior to the closing hours and as early as 02.15 pm only to claim later that the charge memo had not been served directly on him. A farewell function could be held in the middle of the office hours but that would not absolve the duty and responsibility of a public servant particularly the petitioner, who is an IAS officer, to remain in office till the closing hour. This act of disappearance in mid-afternoon clearly exposes the surreptitious manner in which the petitioner had avoided receipt of the charge memo.

40. It must be again pointed out that even earlier on 26.08.2015, the



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charge memo had been forwarded to the personal and official e-mail addresses of the petitioner. He therefore cannot claim ignorance of the fact that a charge memo is contemplated to be served on him. As a responsible Officer, he should have received the same. He had however devised a crude plan to avoid receiving the same by leaving the office even before the closing hours, in the mid afternoon itself. This conduct is glaring and reveals the oblique attitude of the petitioner, who had escaped from the office more like a fugitive rather than as an IAS Officer, who lays down his office with dignity on attaining the age of superannuation.

41. The petitioner cannot seek any indulgence from this Court. We hold that the petitioner was aware of the charge memo and had deliberately avoided receipt of the same. We further hold that the respondents had taken all possible steps to serve the charge memo on the petitioner by sending it by electronic mail, by trying to serve it in person during the office hours and by affixing the charge memo in the official residence of the petitioner and by sending it by registered post to the official residence. The charge memo sent through registered post had been returned with the endorsement “refused”. This would only indicate that the petitioner had deliberately refused to receive the charge memo. We hold that the charge memo had



been served on the petitioner.

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42. We hold that the petitioner had deliberately avoided receiving the charge memo. The claim that he was busy in handing over the charge and in attending the farewell function and therefore, could not check his personal e-mail address are all rejected by us. We hold that there is no ground for quashing the charge memo or the enquiry proceedings.

43. We hold that no grounds had been raised to interfere with the order of the Tribunal. The petitioner will necessarily have to face disciplinary proceedings which would also give him an opportunity to explain the allegations levelled against him.

44. We direct the respondents to proceed further with the disciplinary proceedings forthwith and endeavour to complete the same as early as possible provided ofcourse the petitioner does not again indulge in oblique tactics.

45. The Writ Petitions are dismissed. The order of the Tribunal stands confirmed. No costs. Consequently connected Writ Petitions stand closed.



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[C.V.K., J.]

[K.B., J.]

02.04.2026

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To:

1. The Secretary to Government's Ministry of Personnel,
The union of India
Public Grievances and Pensions, Department of Personnel and
Training
North Block, New Delhi – 110 001.
2. The Chief Secretary
Government of Madhya Pradesh
Bhopal, Madhya Pradesh

C.V.KARTHIKEYAN, J.
AND
K.KUMARESH BABU, J.

vsg

Pre-Delivery Order made in

W.P.Nos. 7179 & 7180 of 2025



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And
W.M.P.Nos. 7964 & 7970 of 2025

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