



WEB COPY

WP No. 10460 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-03-2026

CORAM

THE HON'BLE MS. JUSTICE P.T. ASHA

WP No. 10460 of 2026

AND

WMP Nos. 11328, 12510 & 12513 OF 2026

B.Ravicoumar,
S/o.Badmanabane,
Data Entry Operator,
Villianur Commune Panchayat,
Puducherry,
Residing at No.17C, 4th Cross,
Thiru.Vi.Ka.Street, Thillai Nagar,
Villianur, Puducherry-605110

..Petitioner

Vs

1. The Chief Secretary to Government,
Government of Puducherry,
Chief Secretariat,
Goubert Avenue, Beach Road,
Puducherry-605001.
2. The Secretary to Government (LAD)
Local Administration Department,
Government of Puducherry,
Chief Secretariat,
Goubert Avenue, Beach Road,
Puducherry-605001
3. The Director,
Local Administration Department,
No.16, Suffren Street,
Puducherry-605001
4. The Commissioner,
Office of the Commissioner,
Villianur Commune Panchayat,
Villianur, Puducherry-605110.



5. The Special Officer
Villianur Commune Panchayat
Local Administration Department
Government of Puducherry
Villianur, Puducherry – 605 110.
6. The Chief Electoral Officer
Election Department
Puducherry.
7. The District Election Officer
Election Department, Puducherry.
8. The Returning Officer
Mangalaum Villianur Constituency
Election Department, Puducherry.
(Respondents 5 to 8 impleaded as per order
dated 18.03.2026 in WMP.No.12505 of 2026)

..Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned Memorandum vide File No.C-14013/15/2025 dated 16.03.2026 issued by the 5th respondent and quash and set aside the same and consequently direct the respondents to accept the resignation letter 23-02-2026 submitted by the petitioner and relieve him from service forthwith and pass orders.

For Petitioner:

Mr.Mohan, Senior Counsel
for Mr.P.Dinesh Kumar

For Respondent(s):

Mr.R.Sreedhar
Additional Government Pleader (Pondy)
for R1 to R8



ORDER

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The petitioner seeks a mandamus to the respondents to accept his resignation letter dated 23.02.206 submitted by the petitioner and relieve him from service forthwith.

2. The short facts are as follows :

a) The petitioner had been inducted into the service as Site Maistry in the Villanur Commune Panchayat on 27.07.1999 on a daily rated basis. Thereafter, he was absorbed as a Data Entry Operator in the year 2009 and his services were regularised effective 11.03.2025.

b) After having put in 26 years of unblemished service, all of a sudden, a dispute relating to disproportionate assets cropped up and subsequently CBI FIR was registered on 08.10.2024 against the petitioner and his family. The petitioner would submit that the allegations of disproportionate assets lacks credibility inasmuch as the petitioner's wife operates a construction company in the name and style of M/s.Mohit Construction and her business has already been intimated to the Competent Authority as early as on 21.10.2016. The firm also possessed a valid Trade Licence and the income is generated from the business.



c) Pursuant to this complaint, he was placed under suspension and disciplinary proceedings followed, and ultimately, he was visited with punishment of reduction of lower stage in the time scale for a period of three years and was charged with reference to his not intimating to the authorities about his wife's business that was held in his favour. After the passing of the final order, the petitioner's suspension was revoked and he was reinstated and posted at Bahour Commune Panchayat on 20.02.2026.

d) After his reinstatement on 20.02.2026, he petitioner tendered his resignation citing extreme mental distress caused by the criminal case and the death of his mother on 15.01.2026.

e) The petitioner had filed an appeal challenging the punishment which he faced, however, the appeal was withdrawn yesterday i.e. on 17.03.2023. The petitioner would submit that he has no other Departmental proceedings or criminal proceedings pending against him. The petitioner would submit that his request for permitting him to resign has been rejected by the impugned order of the 5th respondent dated 16.03.2026 bearing File No.C-14013/15/2025. The petitioner originally filed a writ for mandamus directing the acceptance of his resignation letter, has later amended the relief to one of certiorarified mandamus to quash the order and accept the resignation. The 5th respondent had rejected the request on the ground that the Chief Vigilance Officer had declined vigilance clearance as an existing pending case registered by CBI, ACB, Chennai.



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3. Mr.R.Sreedhar, learned Additional Government Pleader (Pondicherry) appearing for respondents 1 to 4 would initially seek to file counter however since the issue involved was purely legal and based on the documents, this Court had directed him to make his submissions thereon.

4. Heard the counsel on either side. The issue involved, is on a narrow campus regarding the legality of the impugned order rejecting the petitioner's resignation letter. This Court has proceeded to consider the writ petition on the basis of the records placed before it.

5. The averment in the impugned order is that the Chief Vigilance Officer refused to grant a 'No Objection'. This ground cannot be sustained by reason of the fact that on 19.01.2026, the CBI had addressed a letter to the Enquiry Authority cum Superintendent (MA), Local Administration Department, Government of Puducherry, which reads as follows :

“ 2. It is submitted that the CBI has not recommended initiation of any departmental action against the accused in the said case. The filing of the charge sheet before the competent court constitutes the final outcome of the investigation conducted by the CBI. Any decision regarding initiation or continuation of departmental proceedings rests entirely with the Government of Puducherry.



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3. *In view of the above, it is further submitted that there is no requirement for the CBI Investigating Officer to be examined as a witness in the departmental enquiry. The presence of the said Officer is required only before the competent criminal court during the course of trial, as and when directed by the Court.”*

Thereafter, even as per this letter dated 19.01.2026, the CBI has distanced itself from the proceedings. Further, after the enquiry, the petitioner has been visited with punishment, which punishment though challenged by the petitioner, has now been withdrawn. Therefore, the petitioner has accepted the punishment. Further, his suspension had been revoked by order dated 19.02.2026 of the 5th respondent and by order dated 20.02.2026, his services were also placed to the Commissioner, Bahour Commune Panchayat. Therefore, the impugned order clearly smacks of malafides. The reason given in the impugned order stands disproved by the very communication of the authority in question viz., CBI.

6. In the judgment of the Hon’ble Supreme Court in ***Sanjay Jain Vs. National Aviation Co. of India Ltd.***, [Civil Appeal No.7822 of 2011] , the Hon’ble Supreme Court was considering a similar circumstance where the issue involved was whether the employer ceased to be in employment from the date of his resignation. The Hon’ble Supreme after extracting various judgment, has observed as follows :



“..... To resign is a right of an employee who cannot be forced to serve in case he is not willing until and unless there is some stipulation in the rules or in the terms of appointment or disciplinary proceedings is pending or contemplated which is sought to be avoided by resigning from the services.’

7. In the instant case, the disciplinary proceedings against the petitioner has come to an end and there is no other disciplinary proceedings or criminal proceedings pending against him. The CBI has also stated that they had not recommended initiation of Departmental proceedings or action against the petitioner herein and that the filing of charge sheet, is the final outcome of the investigation. In this circumstances, the impugned order cannot be sustained. Further, the appeal filed by the petitioner has been withdrawn on 17.03.2026, there is no impediment for the respondents in accepting the petitioner's resignation.

8. Therefore, the writ petition is allowed and impugned order is hereby quashed and the respondents are directed to forthwith relieve the petitioner. No costs. Consequently, connected miscellaneous petitions are closed.

18-03-2026

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



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