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WP No. 10186 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2026

CORAM

THE HON'BLE MR JUSTICE M.DHANDAPANI

**W.P.No.10186 of 2024
and W.M.P.Nos.11234, 11236 & 11237 of 2024**

S.Ravichandran

..Petitioner(s)

Vs

1.The State of Tamil Nadu
Rep.by its Secretary to Government
Municipal Administration and
Water Supply Department,
Secretariat, Fort St.George,
Chennai-600 009.

2.The Director of Municipal Administration,
Commissionerate of Municipal Administration
No.75, Urban Administrative Building
Santhome High Road, MRC Nagar,
Raja Annamalai Puram, Chennai-600 028.

3.The Commissioner
Coimbatore City Municipal Corporation,
Coimbatore-641 001.

..Respondent(s)

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records of the 2nd Respondent pertaining to the impugned Memorandum bearing ROC No.16858/2016 dated/VI-6 and quash the same and consequently direct the Respondents to permit the Petitioner to retire in light of his attaining age of superannuation on 30.04.2024 by granting all retirement and pension benefits.



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For Petitioner(s):

Mr.G.Adithyaraj

For Respondent(s):

Mr.C.Selvaraj,
Additional Government Pleader
for RR-1 & 2

Mr.D.Ferdinand for R-3

ORDER

Aggrieved by the charge memo dated 26.05.2021 issued by the 2nd respondent, the petitioner is before this Court.

2. It is the case of the petitioner that while he was working as Assistant Engineer (Planning) in Coimbatore Corporation, he was issued with charge memo dated 25.06.2021 by the 2nd respondent under Rule 8(2) of the Coimbatore City Corporation Services (Discipline and appeal) Rules, 1986 on alleging that he had failed to take any follow up action against the lock and seal notices issued to 3 buildings and to maintain absolute integrity and devotion to duty thereby violated Rule 20 of the Tamil Nadu Government Servant Conduct Rules 1973. Though the petitioner had attained superannuation on 30.04.2014, till date and the charge memo was issued way back on 25.06.2021, till date, no further steps have been taken to complete disciplinary proceedings against the petitioner. Aggrieved by which, the present Writ Petition has been filed.



3. When the matter is taken up, learned counsel appearing for the petitioner submitted that the issue involved in the instant Writ Petition is no longer *res integra* squarely covered by the order passed by this Court in W.P.No.19735 of 2023 dated 09.02.2024 and therefore, this Writ Petition may be allowed in the light of the order passed in W.P.No.19735 of 2023.

4. Heard the learned counsel for the respondents on the aforesaid contention.

5. This Court perused the order dated 09.02.2023 in W.P.No.19735 of 2023, wherein in identical circumstances, this Court has passed the following order:-

*“6.The Hon’ble Supreme Court, as well this Court, on several occasions, have held that the disciplinary proceedings requires to be initiated and concluded within a reasonable time, if the fault of the pendency was not due to the delinquent’s mistake. A learned single Judge of this Court, in the case of **Kootha Pillai Vs,The Commissioner, Municipal Administration and 4 others** passed in **W.Pn.O.15231 of 2006 dated 05.11.2008**, had an occasion to refer to various decisions of the Hon’ble Supreme Court had ultimately held that the inordinate delay in initiating and completing the disciplinary proceedings, would cause prejudice to the delinquent and therefore, the proceedings itself cannot be continued. Some of the decisions referred to by the learned Single Judge in Kootha Pillai’s case (*supra*) are as follows:-*



*“45. In **State of Madhya Pradesh v. Bani Singh and another reported in 1990 (Supp) SCC 738**, the Supreme Court had come down heavily against the laches on the part of the employer in conducting departmental enquiry and after finding out that there was no satisfactory explanation for the inordinate delay, held that it would be unfair to order departmental enquiry to proceed further.*

*46. In **State of A.P., v. N.Radhakrishnan reported in 1998 (4) SCC 154**, the Supreme Court, at Paragraph 19, held as follows:*

"Normally, disciplinary proceedings should be allowed to take its course as per relevant rules but then delay defeats justice. Delay causes prejudice to the charged officer unless it can be shown that he is to blame for the delay or when there is proper explanation for the delay in conducting disciplinary proceedings. Ultimately, the Court is to balance these two diverse considerations."

*47. In **Union of India v. CAT reported in 2005 (2) CTC 169 (DB)**, this Court held that,*

"The delay remains totally unexplained. Therefore, we have no hesitation at all in concluding that the ground of inordinate delay in proceeding with the departmental enquiry as referred to above by us, would come in the way of the Govt., to continue with the enquiry any further....."



48. In ***P.V.Mahadevan v. M.D. Tamil Nadu Housing Board*** reported in 2005 (4) CTC 403, this Court after referring to various decisions, held that,

"The protracted disciplinary enquiry against a government employee should, therefore be avoided not only in the interest of the government employee but in public interests and also in the interests of inspiring confidence in the minds of the government employees. At this stage, it is necessary to draw the curtain and to put an end to the enquiry. The appellant had already suffered enough and more on account of the disciplinary proceedings. As a matter of fact, the mental agony and sufferings of the appellant due to the protracted disciplinary proceedings would be much more than the punishment. For the mistakes committed by department in the procedure for initiating the disciplinary proceedings, the appellant should not be made to suffer.

15. We therefore, have no hesitation to quash the charge issued against the appellant. The appeal is allowed. The appellant will be entitled to all the retiral benefits in accordance with law. The retiral benefits shall be disbursed within three months from this date. No cost."

49. In ***The Special Commissioner and Commissioner of Commercial Taxes, Chepauk v. N.Sivasamy*** reported in 2005 (5) CTC 451, the Division Bench of this Court held as follows:

"Though the alleged lapse occurred in the year 1995 and certain charges related to the period 1993-94, the charge memo was issued on 15.07.1997 and served on 23.07.1997, just 7 days before the date of retirement. The contention of the appellant that only with a view to cause



hardship, agony and anguish, the charge memo was issued cannot be ignored.....

We have already pointed out that though the applicant failed Original Application No.6284/97, challenging the charge memo, dated 15.07.1997, admittedly, no stay was granted. Despite the above fact that the department had not proceeded with the disciplinary proceedings, there is an inordinate and unexplained delay on the part of the department. According to the applicant, he is 67 years of age as on the date and had rendered 38 years of service in the department. He had undergone sufferings from mental worry, agony, anguish and hardship for all these years. We are satisfied that there is no need to pursue the charge memo, dated 15.07.1997."

*50. In yet another decision in **R.Tirupathy and others v. the District Collector, Madurai District and others reported in 2006 (2) CTC 574**, this Court was pleased to quash the charge memo, dated 02.02.2005 on the ground that the charges relate to purchase of uniforms during the year 1994-95 and 1995-96 and the inordinate delay on the part of the department in issuing a charge memo was not properly explained.*

*51. The Supreme Court in **M.V.Bijlani v. Union of India and other reported in 2006 (5) SCC 88**, quashed the order of removal from service, confirmed by the appellate authority on various grounds particularly, on the ground that initiation of disciplinary proceedings after six years*



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and continuance thereof, for a period of seven years prejudiced the delinquent officer.

52. In *M.Elangovan v. The Trichy District Central Co-operative Bank Ltd., reported in 2006 (2) CTC 635*, this Court, while quashing the second show cause notice on the ground of inordinate and unexplained delay in initiating and completing the disciplinary proceedings, allowed the Writ Petitions holding that the petitioners therein were entitled to all the benefits in accordance with law. The same view has been expressed by this Court in yet another decision in *Parameswaran v. State of Tamil Nadu reported in 2006 (1) CTC 476*."

6. Following the ratio laid down above, this writ petition stands allowed and the impugned charge memorandum dated 25.06.2021 is quashed. The 2nd respondent is directed to superannuate the petitioner from service on the date of his retirement on 30.04.2024 and further, the 2nd respondent is directed to extend all the service benefits to the petitioner within a period of two (2) weeks from the date of receipt of a copy of this order. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

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Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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Today, the matter is listed under the caption “for being mentioned”.

2. It was brought to the notice of this Court that a typographical error has occurred in the prayer portion of the order dated 05.02.2026 passed in W.P.No.10186 of 2024. In view thereof, the prayer in the cause title of the order dated 05.02.2026 shall stand replaced as under:-

*“ **Prayer** :Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records of the 2nd Respondent pertaining to the impugned Memorandum bearing ROC No.16858/2016/V1 dated 25.06.2021 (signed on 28.06.2021) and subsequent Memorandum dated 16.06.2022 bearing ROC No.16858/2016/V1-6 and quash the same and consequently direct the Respondents to permit the Petitioner to retire in light of his attaining age of superannuation on 30.04.2024 by granting all retirement and pension benefits.”*

3. Registry is directed to carry out the above correction and issue fresh order copy to the parties forthwith. Other portions of the order dated 05.02.2026 shall remain intact.

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