



WA No. 734 of 2026

IN THE HIGH COURT of JUDICATURE AT MADRAS

DATED: 02-04-2026

CORAM

THE HON'BLE MR JUSTICE R. SURESH KUMAR

and

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

WA No. 734 of 2026

and

CMP No. 7487 of 2026

The Municipal Commissioner,
Ramanathapuram Municipality,
Ramanathapuram.

..Appellant(s)

Vs

1. Mathialagan
S/o. Pitchai,
Wireman,
Ramanathapuram Municipality,
Ramanathapuram.
2. The Commissioner
Municipal Administration,
Chepauk, Chennai-5
3. M.Kuppuswamy
Ramanathapuram Municipality,
Ramanathapuram.

..Respondent(s)

Prayer: Writ Appeal filed under clause 15 of Letters Patent, to set aside the impugned order dated 02.11.2023 passed in WP No. 9042 of 2011 on the file of this Court.



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For Appellant(s):

Mr.M.Ajmal Khan,
Additional Advocate General
Assisted by
Mr.K.Saravanan

For Respondent(s):

Mr.C.Selvaraj,
Additional Government Pleader (for R2)

Judgment

(Judgment of the Court was delivered by N.Senthilkumar J.)

This intra court appeal has been filed challenging the order passed by the Writ Court in WP No.9042 of 2011 dated 02.11.2023.

2.Mr.C.Selvaraj, learned Additional Government Pleader, takes notice on behalf of the 2nd respondent.

3.In view of the order that is going to be passed in this Appeal at the admission stage, notice to the respondent 1 & 3 is dispensed with.

4.The case of the 1st respondent/writ petitioner is that a charge memo dated 17.12.2009 was issued by the appellant, levelling eleven charges against him.



5.The learned Additional Advocate General for the appellants submitted that an enquiry was conducted pursuant to the charge memo issued to the 1st respondent/writ petitioner and the enquiry report was submitted on 25.06.2011. Based on the said enquiry report, a show cause notice was issued, to which the 1st respondent/writ petitioner submitted a detailed explanation dated 10.08.2010. Upon consideration of the materials, the disciplinary authority imposed the punishment of stoppage of increment for five years without cumulative effect. The appeal preferred by the 1st respondent/writ petitioner against the order of punishment was dismissed by the appellate authority. However, the learned Additional Advocate General fairly conceded that no statements were recorded and no documents were marked during the enquiry and that the material existed only for two out of the eleven charges. He further admitted that there was no oral or documentary evidence to substantiate the charges.

6.In light of these facts, the Writ Court allowed the writ petition, which is under challenge in the present appeal.

7.As rightly conceded by the learned Additional Advocate General that no statements were recorded and no documents were marked during the enquiry



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to prove the charges, the imposition of punishment cannot be sustained.

Accordingly, the order of the Writ Court needs no interference.

8. In fine, the appeal is dismissed. The appellant is directed to disburse the terminal benefits due to the 1st respondent/writ petitioner in two instalments within a period of three months from the date of receipt of a copy of this judgment. Till then, no coercive steps shall be taken by the 1st respondent/writ petitioner. No costs. Consequently, connected miscellaneous petition is closed.

(R.S.K.,J.) (N.S.,J.)
02-04-2026

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

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To

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