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WP No. 21786 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-01-2026

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THE HON'BLE MR JUSTICE M.DHANDAPANI

WP No.21786 of 2025

and W.M.P.Nos.24556 & 55365 of 2025

R.Madhavi

..Petitioner(s)

Vs

1. The CMWSS Board
Rep. By It's Managing Director,
No.1, Pumping Station Road, Chintadripet,
Chennai-02.
2. The Superintending Engineer (P&D),
CMWSS Board,
No.1, Pumping Station Road, Chintadripet,
Chennai-02.
3. The Vigilance Officer/The General Manager,
Vigilance Cell,
Chennai Metropolitan Water Sewerage Board,
Chintadripet, Chennai-02.

..Respondent(s)

Prayer: This writ petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus praying to call for the record pertaining to the proceedings, charge memo No. CMWSSB/P&A/VC2/33012/2024 dated 04.04.2025, issued by the first respondent, alleged to have happened in the year 2013 and quash the said proceedings and consequently direct the first respondent to include the petitioner's name in Superintendent Engineer panel list, as per original seniority List/following the confirmed



Assistant Executive Engineers' list to promote as Executive Engineer published on 14.03.2018, notionally placing the petitioner in the appropriate place, just before her junior and provide further promotion as Superintending Engineer, thereby grant all eligible service and monetary benefits, considering the order passed in W.P.No.4960/24 by Madras High Court and for other suitable order(s) in the circumstances of the case.

For Petitioner(s): Mr.P.Thiagarajan

For Respondent(s): Mr.Krishna Ravindran

ORDER

This writ petition is filed to call for the record pertaining to the proceedings, charge memo No. CMWSSB/P&A/VC2/ 33012/2024 dated 04.04.2025, issued by the first respondent, alleged to have happened in the year 2013 and quash the said proceedings and consequently direct the first respondent to include the petitioner's name in Superintendent Engineer panel list, as per original seniority List/following the confirmed Assistant Executive Engineers' list to promote as Executive Engineer published on 14.03.2018, notionally placing the petitioner in the appropriate place, just before her junior and provide further promotion as Superintending Engineer, thereby grant all eligible service and monetary benefits, considering the order passed in W.P.No.4960/24 by Madras High Court and for other suitable order(s) in the circumstances of the case.



2. The case of the petitioner is that the petitioner was appointed as an Assistant Engineer in the year 1991 and promoted as Assistant Executive Engineer in the year 2013. In the said year, the petitioner was implicated in a criminal case in Crime No.5 of 2013 on the file of the Special Investigation Cell, Vigilance and anti-corruption, Chennai, for the offence under the provisions of Prevention of Corruption Act, 1998. Pursuant to the said case, the petitioner was subjected to criminal trial in C.C.No.2 of 2015 on the file of the Special Court for cases under the Prevention of Corruption Act, Chennai. Pursuant to the said FIR, the petitioner was served with a charge memo dated 12.11.2014. However, after serving the charge memo, no enquiry was conducted. In the meanwhile, the Criminal Court, by a judgment dated 24.04.2023, acquitted the petitioner. Thereafter, the petitioner submitted a representation to drop the charge memo issued against her. Further, there was no action and as such, she was constrained to file a writ petition before this Court in W.P.No.29620 of 2023. This Court, by an order dated 12.10.2023, directed the respondents to conclude the disciplinary proceedings within a period of fourteen weeks from the date of receipt of a copy of the order. However, the same was not complied. In the meanwhile, the enquiry officer concluded the disciplinary proceeding and filed a report on 09.07.2024 that the charges against the petitioner was not proved. On the basis of the said report, the respondents have dropped the proceedings against the petitioner on



21.11.2024. Despite which, the first respondent has issued another charge memo dated 04.04.2025, initiating disciplinary proceeding for the same set of allegation. Challenging the same, the petitioner has come forward with the present writ petition.

3. Learned counsel for the petitioner would submit that based on the complaint made by one Mr.V.Rajendran, who is a Contractor, having contract with CMWSSB for supply of water through their lorries, the DVAC Officials conducted a trap proceedings. In which, one of the co-employees of the petitioner viz., Suresh has received a sum of Rs.7,500/- as bribe from the de-facto complainant, on behalf of the petitioner. Out of the said sum of Rs.7,500/-, he handed over Rs.5,400/- to the petitioner, which was later seized from her pencil pouch. The said allegation was elaborately considered by the Criminal Court as well as by the Enquiry Officer, appointed by the respondents. Thereafter, the Criminal Court, by a judgment dated 24.04.2023, acquitted the petitioner and moreover, the respondent department also accepted the enquiry report filed by the enquiry officer and dropped the charges vide order dated 21.11.2024. However, without considering the acquittal in the criminal case and the disciplinary proceedings and without assigning any reason, the first respondent again issued a charge memo for the same allegation, which is impermissible after a lapse of 12 years. Accordingly, he prays for allowing this writ petition.



4. In support of his contention, learned counsel for the petitioner laid upon the decision of this Court and the same reads as follows:

(i) In the case of B.Loganathan Vs., The Union of India, Rep. By the Secretary to Government of Union Territory of Pondicherry, Department of Local Administration, Pondicherry and another, reported in (2000) 3 CTC 351

(ii) In the case of Amresh Shrivastava Vs., State of Madhya Pradesh and others, reported in 2025 SCC online SC 693.

5. Learned standing counsel appearing for the respondents would submit that during the trap proceedings, the petitioner was found in possession of Rs.5,400/- in her pencil pouch, for which, she failed to provide a satisfactory explanation. Hence, she was issued with a charge memo dated 12.11.2014. Further, as per the Tamil Nadu Government Servants (Conditions of Service) Act, 2016, “Pendency of charges framed under Rule 17(b) of the Tamil Nadu Civil Services (Discipline & Appeal) Rules against a member of a service shall be a bar for inclusion of his name in the approved list”. Hence, the name of the petitioner was passed over from the panels. Accordingly, he prayed for dismissal of this writ petition.



6. Heard the learned counsel on either side and perused the materials available on record.

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7. The facts in the present case are not in dispute. Admittedly, a criminal case was registered as against the petitioner in Crime No.5 of 2013 on the file of the Special Investigation Cell, Vigilance and Anti-corruption, Chennai, for the offence under the provisions of Prevention of Corruption Act, 1988, as if, one of the co-employees of the petitioner viz., Suresh has received a sum of Rs.7,500/- as bribe from the contractor viz., V.Rajendran, on behalf of the petitioner. Out of the said sum of Rs.7,500/-, he handed over Rs.5,400/- to the petitioner, which was later seized from her pencil pouch. For the said allegation, the departmental proceedings were initiated by issuing a charge memo dated 12.11.2014. It is equally an undisputed fact that before the Criminal Court, 16 witnesses were examined and 27 documents had been marked on the prosecution side and 14 documents had been marked on the accused side. There was 7 M.O's had been marked. After an elaborate trial, the criminal case against the petitioner was ended in acquittal vide order dated 24.04.2023. It is pertinent to note that for the very same allegation, the respondents initiated departmental proceeding by appointing an Enquiry Officer, who drew an unproven minute as against the petitioner. On the basis of the unproven minute, the respondents dropped the charges against the petitioner vide order dated 21.11.2024.



8. Subsequently, by virtue of the instruction given by the Government letter dated 22.10.2020, in case of an accused official acquitted by the Court of Law, whether on merits or on technical grounds or otherwise, it is open to the disciplinary authority to initiate or continue disciplinary proceedings against the accused officials for the same charges from which he was acquitted by the Court, if the competent Disciplinary Authority is of the view that there are sufficient grounds and evidence to proceed with the departmental disciplinary proceedings. On that basis, the impugned charge memo dated 04.04.2025 was issued against the petitioner.

9. Now, the issue arises for consideration in this writ petition is, whether the respondents can initiate disciplinary proceeding by issuing another charge memo for the very same allegation, which ended in acquittal, earlier. It is not in dispute that for the same set of allegation, there is no bar for the respondents to initiate a disciplinary proceedings. However, in the present case on hand, a criminal case was registered against the petitioner in C.C.No.2 of 2015 on the file of Special Court for the cases under the Prevention of Corruption Act and the same ended in acquittal vide order dated 24.04.2023. For the same allegation, disciplinary proceedings was initiated by the respondents by appointing an Enquiry Officer, who in turn submitted his report stating no charge was proved against the petitioner and the charges against the petitioner was dropped by the respondents on 21.11.2024.



10. This Court perused the earlier charge memo dated 12.11.2014 as well as the impugned charge memo dated 04.04.2025 issued against the petitioner and both reveals the same allegation. In this background, it is pertinent to extract the relevant portions on the decision rendered by the ***Hon'ble Apex Court*** in the case of ***Amresh Shrivastava Vs., State of Madhya Pradesh and Others, reported in 2025 SCC Online SC 693*** and the same reads as follows:

“16. In the present case, we are of the considered view that the charges alleged against the Appellant in the chargesheet fall under the category of a wrongful order, which does not appear to have been influenced by extraneous factors or any form of gratification. It appears that the order has been passed in good faith, without any indication of dishonesty. Furthermore, the facts outlined in the Show Cause Notice do not suggest any such impropriety. The power exercised by the Appellant in his capacity as a Tehsildar, while passing the order of Land Settlement Order, cannot be considered of a nature that would warrant disciplinary proceedings against him. The decision relied upon by the counsel for the Appellant as mentioned above, supports this view. Consequently, the first question is answered in favor of the Appellant.

17. As to the second question, regarding whether delay is a ground for stopping the departmental proceedings at the stage of the chargesheet itself, suffice it to say that this varies from case to case. However, in the instant case where there is unexplained inordinate delay in initiating departmental proceedings despite the alleged misconduct being within the knowledge of the department, but still no departmental proceedings are initiated, the answer



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must go in favour of the employee. However, there may be cases where the department was not even aware of such irregularities or the misconduct, which is of such a nature that it is indicative, based on material considerations of factors other than merit, such as extraneous influences and gratifications. In such cases, such a delay, but itself would not be a valid ground to scuttle the initiation of the process of departmental proceedings.

18. Reference in this regard can be made to the decision of this Court in State of Madhya Pradesh v. Bani Singh, wherein the court noted that there was no reason to interfere with the quashing as the disciplinary proceedings were initiated after 12 years of delay. A reference should also be made to the decision of this Court in P.V.Mahadevan V. MD, T.N.Housing Board, where it has been reiterated that continuing the departmental proceedings after an undue delay would be unjust, causing unnecessary mental distress and damaging the reputation of the employee for the mistakes committed by the department in initiating disciplinary proceedings.

19. In view of the above, the present appeal is allowed and the impugned Judgment dated 30.04.2019 passed by the Division Bench of the High Court is set aside and consequently the order dated 26.04.2017 passed by the learned Single Judge stands restored.

20. There shall be no order as to costs.

21. Pending application(s), if any, stand disposed of.”

11. The above decision squarely applies to the case on hand, wherein for the very same allegation, detailed enquiry was conducted and it ended in acquittal. The enquiry officer also conducted an enquiry and drawn an



unproven minute as against the petitioner. On that basis, the charges were dropped on 21.11.2024. However, for the very same allegation, the first respondent has issued a charge memo dated 04.04.2025, that too after a lapse of 12 years, which is not sustainable. Hence, the impugned charge memo is liable to be interfered with.

12. In view of the above, the impugned charge memo dated 04.04.2025 passed by the first respondent is hereby set aside. Consequently, this Court directs the respondents to grant promotion as well as service benefits to the petitioner, if the same is due.

13. With the above terms, this writ petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

19-01-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

VM



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CMWSS Board,
No.1, Pumping Station Road,
Chintadripet, Chennai-02.
2. The Superintending Engineer (P&D),
CMWSS Board,
No.1, Pumping Station Road,
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M.DHANDAPANI, J.

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