



WEB COPY



W.P. No.25215 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2026

CORAM:

THE HON'BLE MR. JUSTICE M. DHANDAPANI

W.P. No.25215 of 2025

and

W.M.P. Nos.37253, 28380 and 28383 of 2025

M.Sugumar

Petitioner

Vs

1. The Director of Agriculture
Agriculture and Farmers Welfare
Department,
No.1, Walajah Road, PWD Estate,
Chepauk, Chennai-600 005.

2.The Enquiry Officer / Additional
Director
Of Agriculture (Ma Aa Thee)
O/o. The Director of Agriculture,
Agriculture and Farmers Welfare
Department, No.1, Walajah Road,
PWD Estate, Chepauk,
Chennai-600 005.

Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the Director of Agriculture, Chepauk, Chennai-600 005, the first respondent herein made in Ref. No.VCS2/61199/2018 (1) dated 08.05.2024, quash the same or in the alternate

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direct the respondents herein to defer all further proceedings of the charge against the petitioner till finality is reached in the Criminal case in Special C.C. No.8 of 2022 on the file of the Special Court for cases under the Prevention of Corruption Act, Coimbatore.

For petitioner : Mr.K. Rajkumar
For respondents : Mr.R.U. Dinesh Rajkumar
Addl. Govt. Pleader for R1 & R2

ORDER

This writ petition has been filed challenging the Charge Memo issued by the 1st respondent in Ref. No. VCS2/61199/2018(1), dated 08.05.2024 and to quash the same or in the alternative to defer the departmental disciplinary proceedings till the finality of the criminal case in Spl.C.C.No.8 of 2022 on the file of the Special Court under the Prevention of Corruption Act, Coimbatore.

2. Brief facts :-

a) It is stated that the petitioner, while serving as Joint Director of Agriculture, Coimbatore, was alleged to have demanded illegal gratification of Rs.4,00,000/- for issuance of “Non Objection Certificate” for conversion of wet land into non-agricultural purpose and to have received Rs.1,50,000/-. Based on the complaint, a trap was organised by the officials of the Department of Vigilance and Anti-Corruption and the petitioner was allegedly caught red-handed on 22.05.2018.



b) An FIR in Crime No.5 of 2018 was registered for offences under Section 7(a) and Section 13(2) read with 13(1)(d) of the Prevention of Corruption Act, 1988. Consequent thereto, the petitioner was placed under suspension on the verge of his superannuation on 30.06.2018 and was not permitted to retire from service. Subsequently, a charge sheet was filed in Spl.C.C.No.8 of 2022 before the Special Court under the Prevention of Corruption Act, Coimbatore.

c) While so, the 1st respondent issued the impugned Charge Memo dated 08.05.2024 under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules alleging violation of Rule 20(1) & (2) of the Tamil Nadu Government Servants' Conduct Rules, 1973.

d) Aggrieved by the simultaneous initiation of departmental proceedings on the very same set of allegations, witnesses and documents, the present writ petition has been filed.

3. Learned counsel for the petitioner submitted that the impugned charge memo dated 08.05.2024 has been issued on the very same set of allegations, witnesses and documents which form the subject matter of the pending criminal case in Spl.C.C.No.8 of 2022 registered under the Prevention of Corruption Act, 1988. The charges in both proceedings are identical and arise out of the same trap proceedings dated 22.05.2018.



4. He further contended that if the departmental enquiry is allowed to proceed simultaneously, the petitioner would be compelled to disclose his defence strategy, which would seriously prejudice the petitioner's defence in the criminal trial, thereby it will amount to violation of Article 21 of the Constitution of India. In support of his contention, he relied upon several judgments of Hon'ble Apex Court as well as of this Court.

5. Drawing the attention of this Court to a common order dated 04.11.2025 in W.P.No.31972 of 2025 batch, learned counsel submitted that in the event of any disciplinary proceedings being initiated based on identical set of facts referable to same set of documents and same set of witnesses, it is just and necessary to defer departmental proceedings till the completion of criminal case. Also, he submitted that the petitioner had already submitted a representation in May 2024 seeking deferment of the disciplinary proceedings and therefore, he prayed that this Court may issue suitable directions to the respondents to consider the said representation of the petitioner as an alternative measure.

6. Per contra, learned Additional Government Pleader appearing for the respondents vehemently opposed the aforesaid contentions and submitted that



the petitioner has approached this Court by way of this writ petition for the delaying tactics, which will amount to stall the disciplinary proceedings.

7. He strenuously argued that the petitioner was caught red-handed in a trap case involving demand and acceptance of illegal gratification, pursuant to which a criminal case has been registered and charge sheet filed under the Prevention of Corruption Act, 1988 before the Special Court. The allegations levelled against the petitioner are serious in nature with regard to corruption and the departmental action cannot be kept in abeyance.

8. Learned Additional Government Pleader further contended that there is no legal bar to simultaneous continuation of criminal and departmental proceedings, as the scope and standard of proof in both are different viz., proof beyond reasonable doubt in a criminal case and preponderance of probabilities in a departmental enquiry.

9. Also, he submitted that the charge memo issued under Rule 17(b) is valid and independent, and mere overlap of witnesses or documents is not a ground to defer the enquiry. The petitioner had already submitted his



explanation without raising objections regarding documents, and the present plea is only an afterthought. In the light of the above, he prayed for dismissal of this writ petition as the same is devoid of merit.

10. This Court bestowed its best attention to the contentions advanced by the learned counsel on either side and perused the materials available on record.

11. The law relating to simultaneous criminal and departmental proceedings is well settled and the Hon'ble Supreme Court held that where the charges in both proceedings are identical and the evidence is common, and the criminal case involves complicated questions of fact and law, it would be desirable to stay the departmental proceedings. However, on the other hand, subsequently, the Hon'ble Supreme Court reiterated that there is no straightjacket formula and that departmental proceedings need not invariably be stayed merely because a criminal case is pending. Thus, this Court is of the considered view that the consistent principle that emerges is that there is no absolute bar to simultaneous proceedings, b) stay of departmental proceedings is an exception and not the rule and c) the Court must examine as to whether prejudice would be real and substantial.

12. In the present case, the petitioner was trapped in the year 2018. whereas the criminal case was of the year 2022 and is still pending. The departmental proceedings were initiated in 2024.



13. The allegations relate to demand and acceptance of illegal gratification, which are essentially factual in nature. The departmental enquiry is confined to violation of Conduct Rules. The standard of proof differs materially in both proceedings. Merely because of witnesses and documents are identical in nature, the same cannot, by itself, be a ground to intercept the disciplinary proceedings.

14. The reliance placed on the common order dated 04.11.2025 in W.P.No.31972 of 2025 batch, is not applicable to the case on hand, as each case must be decided on its own facts and the power to defer proceedings is discretionary. Further this Court is not satisfied that compelling the petitioner to participate in the enquiry would cause such grave prejudice as to warrant interference under Article 226 of the Constitution of India.

15. It is trite law that ordinarily a writ petition challenging a charge memo is not maintainable unless the charge memo is without jurisdiction or suffers from mala fides, which is not established in the present case.

16. In view of the above, this Court finds no ground to interfere with the impugned charge memo dated 08.05.2024 issued by the 1st respondent or to defer the departmental proceedings.

17. Accordingly, the writ petition deserves no merit and the same is dismissed. However, liberty is granted to the petitioner to work out his remedy



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in the manner known to law. No costs. Connected miscellaneous petitions are closed.

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

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