2026:MHC:4465

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Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-11-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

Case QR

WP No. 34614 of 2024
CNR:{HCMA012096632024}
AND
WMP NO. 37546 OF 2024

K.Ravichandar
187, Pillaiyar Kovil Street,
Mottur Village, Abdullapuram Post,
Vellore-632010.

..Petitioner(s)

Vs

The Tamil Nadu Civil Supplies Corporation
Rep By Its Managing Director, Head Office,
Koyambedu, Chennai-10.

..Respondent(s)

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, directing the respondent to drop further proceedings in charge memo Na.Ka.No.AD7/13163/2022 dated 18.4.2023 of the respondent, since the respondent has consciously ignored the order of this Court made in W.P.26244 of 2024 dated 9.9.2024 disclosing absolute disrespect to the order of this Court and consequentially permit the petitioner to retire on the date of retirement viz., 30.11.2024.

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For Petitioner(s): Mr.S.Venkataraman

For Respondent(s): Mr.C.Selvaraj,
Standing Counsel
****

ORDER

The present Writ Petition has been filed to issue a Writ of Mandamus directing the respondent to drop further proceedings in charge memorandum Na.Ka.No.AD7/13163/2022 dated 18.4.2023.

2.Heard the learned counsel for the petitioner and the learned Standing Counsel appearing for the respondent.

3.The learned counsel for the petitioner would vehemently contend that there was a direction by this Court in WP.No.26244 of 2024 dated 09.09.2024 to complete the disciplinary proceedings. He would further contend that the direction is not by simply referring about four months, on the other hand, it specifically stipulates the date that the enquiry should be completed on or before 04.11.2024. Despite having suffered such an order, the respondent without any due deference to the orders of this Court has dragged the issue. The learned counsel for the petitioner would further contend that, when there is any stipulation of time by the Court, it will not be open to the employee to disregard

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such stipulation and an extension of time must be sought. In the case in hand, the respondent has neither obtained an extension of time nor evinced any interest in completing the disciplinary proceedings. It is his further contention that, the respondent has not even paid the subsistence allowance. Therefore, it is his contention that the present disciplinary proceedings is liable to be dropped. In support of his contention, the learned counsel for the petitioner relied upon the following judgments:-

1. WA.No.1478 of 2010 dated 05.03.2010 [The State of Tamil Nadu and another Vs. T.Ranganathan];

2.State of Uttar Pradesh Vs. Ram Prakash Singh reported in ***2025 SCC OnLine SC 891.***

4.*Per contra*, the said contention was stoutly objected by the learned counsel for the respondents. It is his contention that an FIR came to be registered against the petitioner in FIR No.1 of 2022 by CBCID and the issue involved is a large scale scam where the petitioner and 11 other persons were involved in the fraudulent activities during the procurement of the paddy. They have caused huge financial loss to the public ex-chequer. It is his further submission that since many of the documents were with the CBCID, they found it difficult to get those documents to prepare for their case in the disciplinary

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proceedings. Furthermore, now that the Enquiry Officer was appointed on 28.04.2025 and only because of the non cooperation of the petitioner they found it difficult to complete the disciplinary proceedings against the petitioner. In respect of the other 11 employees, the Enquiry Officer has given his finding. It is the further contention of the respondents that only on account of the writ petition filed by this petitioner one after another, there was some delay. Therefore, the petitioner did not make out any ground for dropping of the charge memorandum.

5.I have given my anxious consideration to either side submissions.

6.Now with regard to the contention of dropping of the proceedings, the main contention put forth by the learned counsel for the petitioner is that, there was a direction by the learned Single Judge to dispose of the disciplinary proceedings on or before 04.11.2024. Though the respondent would contend that the delay was only on account of the petitioner's non cooperation, which cannot be outrightly ignored or denied, as the petitioner had been initiating various legal proceedings. However, this Court is not happy with the conduct of the respondent in appointing the Enquiry Officer after one year from the date of

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receipt of Explanation dated 09.08.2024 to the charge memorandum. This delay might have been avoided.

7. Further, the judgment relied by the petitioner to drop the charge proceedings has not laid down any abstract principles. But, the Hon'ble Supreme Court held that dropping of charge on account of delay such decision has to be taken depending upon the facts of the individual case. In the case in hand, according to the respondent, there was a huge financial irregularities. Besides on account of filing of various writ petitions by the petitioner, the respondent finds it difficult to proceed with the matter.

8.At this juncture, this Court would like to mention that the respondent has completed the disciplinary proceedings against 11 persons and only against this petitioner, the same is pending, which factum is not seriously disputed by the petitioner. Therefore, this Court could able to see that there was no deliberate delay on the part of the respondent, though there are some delay. In such view of the factual position, this Court absolutely does not find any merits in the present writ petition and accordingly, the same is liable to be dismissed.

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9.At this juncture, the learned counsel for the petitioner would contend that the petitioner has not paid with the subsistence allowance. In this regard, the learned counsel for the respondent would contend that the petitioner has since been superannuated on 30.11.2024 and that, he is not entitled for subsistence allowance. But, to uncover the legal issue involved, the petitioner relied upon the Division Bench judgement of this Court in ***WA.No.1552 of 2011 dated 08.09.2011 [The Managing Director and another Vs. M.Ramalingam]***, in which this Court held that the Rule which provides to pay subsistence allowance for six months must only be construed to the fact that the disciplinary proceedings must have been completed within a period of six months.

10.Therefore, the reference in the Statute to pay six months subsistence allowance does not mean that the employer should only pay subsistence allowance for six months. But, the Disciplinary Authority must take all endeavour to complete the disciplinary proceedings within a period of six months. In the case in hand, apart from not completing Disciplinary Proceedings, to complete the same admittedly the petitioner has not been relieved from duty. Therefore, it is impossible for the petitioner to join any other job. Therefore, unless the petitioner is being paid with the subsistence

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allowance, it would definitely affect his right to life. In this regard, the petitioner relied upon the judgment of this Court in ***A.Sivakumar Vs. The Management and another*** reported in ***2026 MHC 94***, wherein this Court, after referring the judgment of the Hon'ble Supreme Court in ***M.Paul Anthony Vs. Bharat Gold Mines Ltd., and another*** reported in ***(1999) 3 SCC 679***, held that the denial of the subsistence allowance would affect the right to life of an employee, and further held that the payment of subsistence allowance has got a greater significance in protecting the right to life and if any denial would offend the Constitution. Therefore, though this Court does not interfere with the disciplinary proceedings, would like to direct the respondent to disburse the subsistence allowance to the petitioner until the completion of the enquiry.

11.Before we conclude, it is relevant to mention that when there was a specific direction to complete the disciplinary proceedings and, if the authority for any *bona fide* reason could not complete the enquiry within the specified time, they ought to have approached the Court for an extension of time. In the case in hand, the respondent has miserably failed to seek such extension of time. Though this would amount to Contempt of Court, considering the totality of circumstances, this Court does not want to pursue such course with a fond hope

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that the respondent would complete the enquiry proceedings, within a period of further four(4) months from the date of receipt of a copy of this order. Further, the respondent is also directed to settle the arrears of subsistence allowance, if any within a period of four(4) weeks from the date of receipt a copy of this order.

12.Accordingly, this Writ Petition stands disposed of with the above directions. No costs. Consequently, connected WMP is also closed.

04-11-2026

Index: Yes
Speaking order
Neutral Citation: Yes

KMI
To
The Tamil Nadu Civil Supplies Corporation
Rep By Its Managing Director, Head Office,
Koyambedu, Chennai-10.

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C.KUMARAPPAN J.

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