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W.A.No.59 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.01.2026

CORAM :

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR
AND
THE HONOURABLE MR.JUSTICE SHAMIM AHMED

W.A.No.59 of 2026

1. The State of Tamil Nadu
Rep. By the Secretary
Tamil Development and Religious Endowment Department
Fort St. George
Chennai – 600 009.
2. The Commissioner
Hindu Religious and Charitable Endowments Department
Chennai – 600 034. .. Appellants

Vs.

P.Sundarakumar Pandian .. Respondent

Prayer: Appeal filed under Clause 15 of the Letters Patent, against the order dated 21.02.2025 made in W.P.No.6853 of 2024.

For the Appellants : Mr.S.Ravichandran
Additional Government Pleader
(HR & CE Department)

For the Respondent : Mr.R.Sanjay

JUDGMENT

(Judgment of the Court was made by R.SURESH KUMAR, J.)

This intra Court appeal has been directed against the order passed by the Writ Court dated 21.02.2025 made in W.P.No.6853 of 2024.



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2.1 That the respondent was working as Executive Officer (Group I) (Superintendent) under the second appellant and retired from service on 30.11.1999. During his service, there was a Disciplinary Proceedings initiated against him under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules and a punishment of stoppage of increment for a period of six months with cumulative effect also was imposed vide proceedings dated 06.09.1999.

2.2. Challenging the said order, the respondent/writ petitioner filed an Original Application in O.A.No.6353 of 1999 before the Tamil Nadu Administrative Tribunal, which stood transferred and renumbered as W.P.No.40637 of 2006, by the order dated 06.04.2010, the Writ Court allowed the said writ petition and set aside the punishment.

2.3. Thereafter, the respondent/writ petitioner filed a representation seeking redetermination of his pensionary benefits and since the same has not been considered, once again, he has approached the Writ Court by filing yet another writ petition in W.P.No.23278 of 2012, which was allowed by the Writ Court vide



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the order dated 04.09.2023, giving a clear direction to the appellant Department to notionally promote the respondent/writ petitioner to the post of Assistant Commissioner with all monetary benefits within a period of twelve weeks.

2.4. Despite these orders, since a rejection order has been passed on 29.11.2023, that was under challenge in the present writ petition, that is the third round of litigation in W.P.No.6853 of 2024, which was allowed by the learned Writ Court through the impugned order.

3. Heard *Mr.S.Ravichandran*, learned Additional Government Pleader (HR & CE Department) for the appellants and *Mr.R.Sanjay*, learned counsel for the respondent/writ petitioner/caveator.

4. In the first round of litigation, the learned Writ Court, by the order dated 06.04.2010, has set aside the punishment and passed the following orders:-

"6. Under these circumstances as srightly pointed out by the petitioner, the order passed by the Authority has become un-workable order, the order should have clarified, further quantified the amount and direction should have been given for the actual recovery. In this case, since this has not been done the order as stated by the



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petitioner has become un-workable order. Hence, the order is set aside and the petitioner has retired on 30.11.1999. Even the charge also is only for spending the amount of Rs.9,800/- without sanction which ultimately also has been ratified.

7. Under those circumstances, the punishment meted out in the un-workable order has to be set aside and hence the impugned order is set aside and the writ petition is allowed. No costs. The pension would be revised accordingly."

5. Even pursuant to this order itself, the relief could have been given to the respondent/writ petitioner, but, as the same has not been considered and granted, it triggered the respondent/writ petitioner to file the second round of litigation in W.P.No.23278 of 2012, which was disposed by the Writ Court by the order dated 04.09.2023, where, the following orders have been passed:-

"3. In view of the above, the second respondent is directed to consider the request made by the petitioner in view of the order passed by this Court in WP.No.40637 of 2006 dated 06.04.2010, thereby exonerated the petitioner from all charges, to give notional promotion to the post of Assistant Commissioner with all monetary benefits within a period of twelve weeks from the date of receipt of copy of this Order, if he is otherwise entitled for the said promotion.

4. With the above direction, this writ petition is disposed of. There shall be no order as to costs."



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6. Despite these clear orders having been passed, where directions have been given that, since the respondent/writ petitioner had been exonerated from the charges by the orders of the learned Writ Court dated 06.04.2010 made in W.P.No.40637 of 2006, he is entitled to get notional promotion to the post of Assistant Commissioner with all monetary benefits, which shall be conferred on him within a period of twelve weeks and as this order has become final, as admittedly, no appeal since has been filed, the order impugned before the Writ Court dated 29.11.2023 since has been passed, it necessitated the respondent/writ petitioner to file third round of litigation by filing W.P.No.6853 of 2024 and the learned writ Court, having considered these factual matrix, that clear orders having been passed in the earlier two rounds of litigation already, has allowed the said writ petition through the order impugned.

7. As against the said order, this appeal though had been filed, not even a single plausible ground has been raised by the appellants. The punishment awarded against the respondent/writ petitioner has been set aside by the Writ Court in the first round of litigation, which has been passed on 06.04.2010. Based on which, directions have been given in the second round of litigation on



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04.09.2023 to confer notional promotion and financial benefits, which is pensionary benefits, to the respondent/writ petitioner within twelve weeks' period. That order, since has become final, could have been implemented by the appellant Department.

8. The non-implementation itself would amount to contempt. While that being so, the appellant Department passed an order on 29.11.2023, rejecting the plea of the respondent/writ petitioner stating that still the charges are pending. That has been pointed out by the learned Judge in the impugned order by stating that, without application of mind, the appellant Department has passed the order dated 29.11.2023 impugned before the Writ Court, as if the charges were still pending, but, the fact remains that, the punishment itself has been set aside by the order of the Writ Court in the first round of litigation on 06.04.2010 and directions have been given to implement the order in the second round of litigation by the order dated 04.09.2023. Therefore, the order dated 29.11.2023 is a clear abuse of power or capricious exercise of power, accordingly, the order dated 29.11.2023 ought to have been set aside, which has been rightly set aside by the learned Judge through the order impugned.



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9. At least, at this stage, the orders passed by the Writ Court through the order impugned could have been accepted by the appellants and the orders could have been implemented, however, we are wondering as to on what reasons the present intra-Court appeal has been filed without any single reason. Therefore, it is a classic example to construe it as a frivolous appeal filed by the State.

10. In this context, it is noteworthy to mention that, on 19.12.2025 in W.A.No.3940 of 2025, we have passed the following orders:-

"The impugned order dated 18.12.2023 being a common order passed in number of writ petitions by the writ Court has already been appealed in W.A.No.3633 of 2024 in the matter of State of Tamil Nadu, represented by the Principal Secretary to Government, Health and Family Welfare Department, Secretariat, Chennai & others Vs. P.Ramesh arising out of W.P.No.12493 of 2023 which is one of the writ petitions covered in the said common order, where a Division Bench of this Court, where one of us (RSKJ) is a party, after having discussed the issue in detail, was pleased to dismiss the said writ appeal by order dated 28.01.2025.

2. Though the order impugned, which is common in nature, has already been upheld and the intra-Court appeal filed by the State has been dismissed as early as on 28.01.2025, we are at a



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loss to understand as to why again and again appeals have been preferred against the very same common order by the State.

3. Once the writ Court order having been tested before the Division Bench where it has been upheld long back, normally no further appeal would be filed by the State or any party aggrieved over the order, which is common in nature and if these kind of frivolous appeals are entertained, that will cause unnecessary expenditure to the exchequer and also would cause waste of time to the judiciary. Therefore, these kind of attitude cannot be approved instead can only be deprecated.

4. Therefore, hereafter, once the common order passed by the writ Court or the lower forum is approved or sustained before the Higher forum or the Division Bench as the case may be, as against which, if no further appeal filed and no change has been made or modified, once the order passed both by the original authority, i.e., writ Court as well as the Appellate Authority, i.e., Division Bench has become final, no further appeal need be filed and this should be borne in mind by the officials concerned of the State especially to avoid unwarranted and frivolous litigation. Since the judgment in W.A.No.3633 of 2024 was passed on 28.01.2025, i.e., January 2025 and the present appeal is moved only now, i.e., December 2025 almost after a year, during this period, the appellants should have realized that, the order impugned already been upheld by the Division Bench. When that being so, on what basis, these appeals are moved and whether any legal advice have been secured by the State / appellants before moving the writ appeal is also not known.

5. Therefore, hereafter the State must be very vigilant in verifying whether the common order passed by the lower forum or the writ Court /



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Single Bench if it is approved by the Division Bench or the Higher Forum, the very same order cannot once again be agitated by filing appeal after appeal only for statistical purposes as that would amount to a waste of expenditure to be incurred by the State and also unnecessarily taking the precious judicial time. Despite this of our observation, if any such attempt once again is made by filing these kind of unwarranted litigation or appeals by the State, the expenses to be incurred in this regard can be recovered by the State from the officials concerned who are instrumental in filing such appeal before the Appellate Court.

6. The copy of this order be circulated to the Chief Secretary, Government of Tamil Nadu, Chennai. The Chief Secretary can issue circular to all the Secretaries to Government and Head of the Departments to strictly comply and adhere to the directions and observations made hereinabove.

7. With these observations, this Writ Appeal is dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed."

Where, we have given directions to the Chief Secretary of the Government of Tamil Nadu to see that if these kind of frivolous appeals, without any plausible grounds, are filed, the concerned Officer of the Department who triggered the Government Pleaders' Office to file an appeal shall take the responsibility and the cost being imposed in this regard is to be recovered from the Officer who insisted to file such frivolous appeal to waste the exchequer as well as the valuable judicial time.



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11. Though such an order has been given, by giving directions to the Chief Secretary of the Government of Tamil Nadu, and the same having been communicated after two or three weeks, only recently, the present writ appeal has been filed, that is the instant writ appeal, without any single acceptable ground before this Court, knowing well that already two rounds of litigations have been succeeded by the respondent/writ petitioner and in the present impugned order, everything has been stated.

12. When that being the position, why such a frivolous appeal once again has been filed by the present Department is not known and therefore, it is a case where we deem it appropriate to impose cost for filing such a frivolous appeal while dismissing the same.

13. For all these reasons, the present writ appeal is dismissed with cost of Rs.25,000/- (Rupees Twenty Five Thousand Only). The said cost could be recovered by the State Government from the concerned Official who had given written instructions or consent for filing the instant writ appeal before this Court. The cost shall be paid to the respondent/writ petitioner within a period of two months from the date of receipt of a copy of this order and the orders



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passed by the Writ Court shall be implemented within such time of two months.

14. The writ appeal is dismissed with cost accordingly.
Consequently, C.M.P.No.637 of 2026 is closed.

(R.S.K., J.) (S.S.A., J)
09.01.2026

Speaking Order/Non-Speaking Order
Neutral Citation:Yes/No
Internet:Yes/No
Index:Yes/No

(drm)

To:

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