

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **02.06.2026**

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CORAM:

THE HONOURABLE **MR.JUSTICE N.SATHISH KUMAR**
AND
THE HONOURABLE **MR.JUSTICE M.JOTHIRAMAN**

WA.(MD)Nos.194 of 2024 & 2379 of 2024
and
CMP.(MD)Nos.84 of 2024 & 4746 of 2025

WA.(MD)No.194 of 2024

1.The State of Tamil Nadu,
Rep.by Additional Chief Secretary to Government,
Tourism Culture and Religious Endowments Department,
Secretariat, Chennai-5.

2.The Commissioner,
Hindu Religious and Charitable Endowments Department,
Nungambakkam,
Chennai-34

... Appellants

Vs.

K.Veluchamy

... Respondent

PRAYER:- Writ Appeal filed under Clause 15 of the Letters Patent
against the order passed in WP.(MD)No.14496 of 2020 dated 16.06.2023.

For Appellants : Mr.B.Saravanan,
Senior Counsel,
for Mr.M.P.Senthil,
Counsel for the Government of Tamil Nadu

For Respondent : Mr.K.Vinoharan,
for M/sG.Prabhu Rajadurai



WA.(MD)No.2379 of 2024

K.Veluchamy

... Appellants

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Vs.

1.The State of Tamil Nadu,
Rep.by Additional Chief Secretary to Government,
Tourism Culture and Religious Endowments Department,
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2.The Commissioner,
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... Respondents

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For Appellant : Mr.K.Vinoharan,
for M/sG.Prabhu Rajadurai

For Respondents : Mr.B.Saravanan,
Senior Counsel,
for Mr.M.P.Senthil,
Counsel for the Government of Tamil Nadu

COMMON JUDGMENT

(Judgment of the Court was made by **M.JOTHIRAMAN, J.**)

Under assail is the order passed in WP.(MD)No.14496 of 2020
dated 16.06.2023. For the sake of convenience, the parties shall be
referred to as per their ranking in WA.(MD)No.2379 of 2024.



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2.Originally the appellant has challenged the order passed by the first respondent vide G.O.(Pa)No.195 Tourism Culture and Religious Endowments Department, dated 26.12.2019 confirming the impugned proceedings of the second respondent dated 25.03.2019 and quash the same and to direct the officials to restore all monetary benefits including the back wages on par with his seniority.

3.According to the appellant, while he was working as Executive Officer Grade II in Arulmigu Soundhararaja Perumal Temple, Thadicombu, Dindigul District from 11.09.2012 to 21.06.2015 for the Fasli year 1421 to 1424. Consequently, he was issued with charge memo under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules comprising of 7 charges vide proceedings dated 09.05.2015. An enquiry was conducted and it was held that out of 7 charges, charges 1 to 6 were proved, 7th charge was not proved. The second respondent agreed with the enquiry officers report and held 6 charges were proved, vide impugned proceedings dated 25.03.2019 and thereby imposed punishment of stoppage of increment with cumulative effect for 3 years and when its falls due. He filed statutory appeal on time. The first respondent dismissed the appeal preferred by the



appellant. Challenging the same, the appellant preferred the writ petition.

4.The learned Writ Court allowed the writ petition in the following terms:-

“4.Since the statutory procedure was not adopted before levying major penalty, the order impugned in the writ petition is quashed. The matter is remitted to the file of the second respondent. It is open to the second respondent to take recourse the major penalty procedure imposed against the petitioner. If the second respondent decides to resume disciplinary action, its pendency will not come in the way of the petitioner from being considered for promotion”.

Aggrieved over the findings of the learned Writ Court that the pendency of disciplinary action will not come in the way of the appellant from being considered for promotion, the respondents have preferred the writ appeal in WA.(MD)No.194 of 2024. Similarly, aggrieved over the findings of the learned Writ Court that matter is remitted back to the file of the second respondent to conduct enquiry, the appellant has preferred the writ appeal in WA.(MD)No.2379 of 2024.

5.The learned counsel appearing for the appellant would submit that the learned Writ Court erred in remanding back the matter



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without taking into consideration of the gravity of the charges and apparent predetermined conduct on the part of the official respondents in imposing major punishment. Charge No.1 is unsustainable as the Tamil Nadu Religious Institution (Lease of Immovable Property) Rules do not prescribe that the auction process must commence two months before the next Fasali year. In practice, auctions for earlier Fasali years had commenced only during June, the last month of the Fasali year, demonstrating that the alleged delay was consistent with past practice. The Department itself granted permission on 23.06.2014 to conduct the auction on 27.06.2014; therefore, it is estopped from subsequently framing charges based on the same action. The Enquiry Officer's findings regarding Charge No.1 are themselves irrelevant/inconsistent, yet the charge was wrongly held proved. Charge No.2 is also unsustainable since there is no statutory provision requiring a fresh auction to be conducted within 15 days. The Appellant did not remain inactive or cause financial loss. Auctions were attempted on 27.06.2014 and 05.12.2014, but bidders were unwilling to participate because the remaining Fasali period was commercially unviable. The five-month gap before rescheduling was duly explained and communicated to the Joint Commissioner by letter dated 09.01.2015 (Na.Ka.No.63/2015/A4). The Department accepted the explanation and permitted rescheduled auctions on 20.01.2015 and 5/12



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27.01.2015,. Therefore, the subsequent punishment is arbitrary and inconsistent. Charges Nos.3, 4 and 5 relate only to seeking permission to notify the licence period based on the calendar year instead of the Fasali year. The appellant merely sought permission and did not independently implement such notification. Hence, these charges are unsustainable both in law and on facts. The absence of bidders in the initial auctions was due to commercial reasons, as the first six months of the Fasali year would not yield profit. Earlier Fasali year auctions had also concluded only in December/January, forcing the Department to engage temporary staff, showing that the situation was not unusual. Regarding Charge No.6, the Enquiry Officer found that the hair offering for the first six months of Fasali 1424 was also auctioned on 27.01.2015, establishing transparency. Since Charge No.7 was held unproved on the same facts, holding the appellant guilty under Charge No.6 is contradictory and unsustainable. The appellant never acted independently in the manner alleged. Upon the Department's objections, the auction was conducted in the same manner as followed in earlier Fasali years.

6.Per contra, the learned Senior Counsel appearing for the respondents would submit that the findings of the learned Writ Court, that the statutory procedure was not adopted before levying major



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penalty to the appellant, whereas, the appellant never raised such procedural lapses either in the departmental appeal or grounds raised in the writ petition. The learned writ Court erred in observing that if the second respondent decides to resume disciplinary action, its pendency will not come in the way of the writ petitioner from being considered for promotion. There is a bar for promotion during pending of disciplinary proceedings initiated under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal). The findings of the enquiry officer was not only based on the records but also after perusing the written explanation of the appellant and hence, the authorities have rightly imposed the punishment.

7. We have considered the submissions made on either side and perused the records carefully.

8. For the question whether the matter should be remitted or not, it is seen from the report of the enquiry officer that some of the documents were not marked through any witnesses and the procedures contemplated under Rule 17(b) of the Tamil Nadu Civil Service (Discipline and Appeal) Rules have not been followed by the enquiry officer in conducting the enquiry. Since statutory procedures were not followed before imposing the major penalty, we are of the view that the



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learned Writ Court rightly quashed the order impugned in the writ petition. There is no infirmity in the order of the learned Writ Court with regard to the remitting back the matter to the second respondent to conduct enquiry.

9. With regard to the question whether the appellant is entitled to the promotion or not, the learned Writ Court is not correct in holding that pendency will not come in the way of the appellant from being considered for promotion since as per Tamil Nadu Civil Service (Discipline and Appeal) Rules, pendency of disciplinary proceedings is a bar for promotion. It is relevant to refer Section 7 of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016, which lays down how the panel/approved list for the promotion is prepared and Schedule XI provides for the procedure for preparing the said panel/approved list. Schedule XI PART A (II) (8) & (19) reads as follows:-

“(8) Pendency of charges framed under rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules against a member of a service shall be a bar for inclusion of his name in the approved list.

(19) The case of a member of service whose promotion or appointment has been deferred on account



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of any pending charges, shall be reopened after disposal of the charges and appropriate orders shall be passed on merits, either giving him promotion or appointment if he is exonerated or acquitted of the charges and if there is no other adverse factor to be reckoned or denying him promotion or appointment or giving promotion or appointment from a later date, depending upon the nature of punishment and other factors to be reckoned in other cases. In all such cases, the appointing authority shall take suo moto action within fifteen days from the date of issue of final orders in the departmental disciplinary case or criminal case.”

On reading the above mentioned rules, as per Rule 8 as long as the disciplinary proceedings remain pending, the appellant cannot be included in the promotion list. However, Rule 19 of same schedule act as the safeguard to the delinquent by stating that once the disciplinary or criminal proceedings are concluded and the employee is exonerated or acquitted and there is no other adverse factor, the competent authority shall grant the promotion and the consequential benefits on par to his seniority. In view of the above reasons, the findings of the learned Writ Court with regard that pendency of the disciplinary proceedings will not come in the way of the appellant from being considered for promotion has to be set aside and accordingly, the same is set aside.



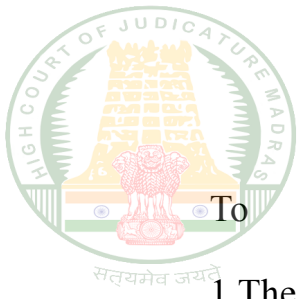
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10. Considering the fact that the matter has remained under prolonged litigation for over a decade as the departmental proceedings was initiated in the year 2015, major punishment imposed and the appeal came to be dismissed in the year 2019 and thereafter the writ petition and the present writ appeal being disposed of only in 2026, it is just and proper to direct the second respondent to conduct enquiry and conclude the same, within a period of three months from the date of receipt of a copy of this order.

11. In the result, with the above observation and directions, the writ appeals are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

[N.S.K., J.] & [M.J.R., J.]
02.06.2026

Index : Yes/No
Internet : Yes
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To

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**N.SATHISH KUMAR, J.
AND
M.JOTHIRAMAN, J.**

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