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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **02.06.2026**

CORAM:

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

WA.(MD)Nos.325 of 2024 & 742 of 2025
and
CMP.(MD)Nos.3024 of 2024 & 5098 of 2025

WA.(MD)No.325 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.27216 of 2019 dated 16.06.2023.

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



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

WA.(MD)No.742 of 2025

K.Veluchamy

... Appellants

Vs.

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,
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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

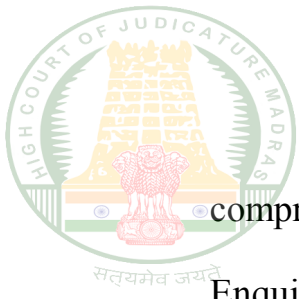
(Judgment of the Court was made by **M.JOTHIRAMAN, J.**)

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Under assail is the order passed in WP.(MD)No.27216 of 2019 dated 16.06.2023. For the sake of convenience, the parties shall be referred to as per their ranking in WA.(MD)No.742 of 2025.

2.Originally the appellant has challenged the order passed by the first respondent vide G.O.(Pa)No.120 Tourism Culture and Religious Endowments Department, dated 30.09.2019 confirming the impugned proceedings of the second respondent dated 26.05.2017 and quash the same and to direct the respondents to restore the original seniority and post of the appellant conferring all the promotional, monetary benefits including the back wages on par with his colleagues.

3.According to the appellant, while he was working as Executive Officer Grade II in Arulmigu Soundhararaja Perumal Temple, Thadicombu, Dindigul District from 05.08.2011 to 15.09.2015 for the Fasli year 1421 to 1424, he was subjected to the Departmental Proceedings. Consequently, he was issued with charge memo under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules



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comprising 18 items of charges vide proceedings dated 16.09.2015.

Enquiry was conducted and it was held that out of 18 charges, 5 charges were proved, 2 charges were partly proved and 11 charges were not proved. However, the second respondent differed from the enquiry report and held that all the charges were proved, vide impugned proceedings dated 26.05.2017 and thereby imposed punishment of reduction of a lower post for five years with cumulative effect. He filed statutory appeal on time. However, after a lapse of about 2 years, the first respondent dismissed the appeal preferred by the appellant. Challenging the same, the appellant filed the above 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



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being considered for promotion, the respondents have preferred the writ appeal in WA.(MD)No.325 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.742 of 2025.

5.The learned counsel appearing for the appellant would submit that the learned Writ Court erred in remanding back the matter without taking into consideration of the gravity of the charges and apparent predetermined conduct on the part of the respondents in imposing major punishment. The expenses which are incurred in excess were because of necessity and in anticipation of sanction. In any excess expenses falling lower than the income of the temple would be rectified in the joint sitting of Joint Commissioner, Regional Audit Officer and Trustees. Admittedly, not done in the case of the appellant particularly when the income of the temple during the relevant year was higher and the expenses incurred in excess were meager comparatively. There was no audit objection for the Falsi year 1420 to 1422. With regard to the charge No.6, it is submitted that in pursuant to incidents of threat in view of the dilapidated condition of the temple cart, the appellant has sought for permission and the same was accepted by the Joint Commissioner and



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forwarded the same for estimation of expenses to the Engineer. Without taking into consideration of the factual impediment raised in letting out shops for rent in view of the lack of infrastructural facilities even prior to the tenure of the appellant, it was held that charge No.7 was proved. The order of the learned Writ Court in remitting the matter back to the authorities to conduct enquiry is un-sustainable in law and prayed to set aside the same.

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 penalty to the writ petitioner, 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 appellant 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.



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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 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



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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.

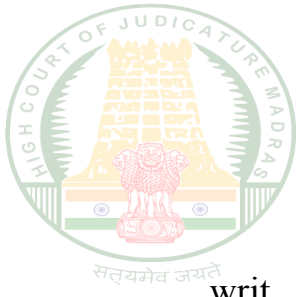
(19) The case of a member of service whose promotion or appointment has been deferred on account of any pending charges, shall be reopened after disposal of the charges and appropriate orders shall be passed on merits, either giving him promotion or appointment if he is exonerated or acquitted of the 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.”



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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, as per Rule 19, 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 colleagues. In view of the above reasons, the findings of the learned Writ Court with regard to the pendency of the disciplinary proceedings will not come in the way of the appellant from being considered for promotion, has to be set aside.

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 in the year 2017 and the appeal came to be dismissed in the year 2019 and thereafter, the writ petition and the present writ appeals being disposed only in the year 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.

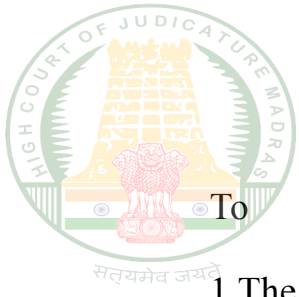


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11. In the result, with the above observation and directions, the writ appeals are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

[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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2. The Commissioner,
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N.SATHISH KUMAR, J.
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