



W.P.(MD) No.5965 of 2026

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date of Reserving the Order	Date of Pronouncing the Order
02.06.2026	17.06.2026

CORAM:

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD) No.5965 of 2026
and
W.M.P.(MD) No.4990 of 2026

P.Vanithai

... Petitioner

-VS-

The Director of Municipal Administration
Directorate of Municipal Administration
Chennai-28

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari to call for the records pertaining to the impugned charge memorandum in Roc.No.7976/2025/V2, dated 30.01.2026, on the file of the respondent and quash the same as illegal.

For Petitioner : Mr.T.Aswin Rajasimman

For Respondent : Mrs.K.Porkodi
Counsel for the Government



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ORDER

This writ petition has been filed seeking a writ of certiorari to call for the records relating to the charge memo bearing Roc.No.7976/2025/V2, dated 30.01.2026, issued by the respondent to the petitioner and to quash the same.

2. The brief facts that are relevant for the disposal of this writ petition are as under:

2.1. The petitioner, while working as Junior Engineer at Uthamapalayam Town Panchayat, was involved in a trap case of the Vigilance and Anti-Corruption and a crime was registered against the petitioner in Crime No.1 of 2009 and the said crime was taken on file as Special Case No.5 of 2014, on the file of the Chief Judicial Magistrate Court / Special Court, Theni, against the petitioner herein and two others and the said criminal case was ended in convicting the petitioner *vide* Judgment dated 03.08.2018. Consequent upon the said conviction, the petitioner was removed from service *vide* proceedings bearing Roc.No.10430/2009/V2, dated 13.09.2019,



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WEB COPY issued by the Commissioner of Municipal Administration. In the meanwhile, the petitioner having been aggrieved by the Judgment dated 03.08.2018 in Special Case No.5 of 2014, preferred an appeal in CrI.A.(MD) No.444 of 2018 before this Court and the said criminal appeal came to be allowed by a Coordinate Bench of this Court *vide* Judgment dated 31.01.2025.

2.2. It was thereafter, the petitioner approached the respondent and accordingly, the case of the petitioner was considered and she was reinstated into service through proceedings dated 04.08.2025 and was posted at Vellore Corporation. It was thereafter, the petitioner was transferred to Madurai Corporation *vide* order dated 11.09.2025.

2.3. While the petitioner was working at Madurai Corporation, the respondent herein issued the impugned charge memo dated 30.01.2026 containing two charges. The said charges read as under:



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“Charge No.1:

“that you A-1 Tmt. P. Vanithai while working as Junior Engineer in Uthamapalayam Town Panchayat office, Theni District have demanded bribe of Rs.25,000/- on 07.02.2009 at Uthamapalayam Fathuma School works site for issuing work completion report to the complainant Thiru.G.N.Govindaraj who was awarded the contract work of providing water supply through mini pump power house in ward No.7, 15. Mallingapuram and Chinnankulam in Pannaipuram Town Panchayat at a estimate cost of Rs. 4,60,000/- under Anna Marumalarchi Scheme. A-2 Tr.P.Subramani, Work Inspector, Uthamapalayam Town Panchayat office, Theni District was also present at that time. On the request of complainant Thiru. G.N.Govindaraj on 10.02.2009, you and A-2 had reduced the bribe amount to Rs. 12,000/- and directed the complainant to pay the amount to you or A-2 on 11.02.2009 morning at Uthamapalaym works site. However complainant could not prepare the amount on 11.02.2009. Again on 12.02.2009, complainant contacted you over phone and you reiterated your earlier demand of Rs. 12,000/- and directed him to pay the amount and photos on 13.02.2009 at Uthamapalayam works-site either to you or A-2. Then Complainant met you at Uthamapalayam works-site of Varangal construction in front of Kalatheeswarar Gnnambigai Temple on 13.02.2009, you was seated in front seat of a TATA-INDICA Car and directed the



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complainant to hand over the amount and photos to A-3 Tr.S.Alaguraja, Car-driver, who was also sitting in his driver seat. A-3 is a private car driver. Complainant Thiru.G.N.Govindaraj handed over Rs.12,000/- and photos to A-3 who accepted the same after counting, kept the bribe amount and photos in the car dashboard.

Charge No.2:

"That you, AO-1 Tmt.P.Vanithai, formerly Junior Engineer, Uthamapalayam Town Panchayat, Theni District, now Junior Engineer, Madurai Corporation had failed to maintain absolute integrity and devotion to duty in a manner unbecoming of Government servant and acted in a manner in violated of Rule 20 of the Tamil Nadu Government Servants Conduct Rules, 1973."

3. It is aggrieved by the said charge memo dated 30.01.2026, the petitioner has filed this writ petition challenging the same on twin grounds. Firstly, on the ground that the very same charges are the subject matter of CrI.A.(MD) No.444 of 2018 and once the competent Criminal Court decided the matter, it is not open for the respondent to initiate disciplinary proceedings on the very same charges as the witnesses, who were examined in the said criminal proceedings and the witnesses who are proposed to be examined in the present disciplinary proceedings are one and the same.



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Secondly, on the ground that the basis for issuance of the impugned charge memo is an incident that took place in the year 2009 and the same is sought to be enquired into now i.e., after a lapse of 17 years. Therefore, it would cause serious prejudice to the petitioner.

4. This Court, while entertaining this writ petition, by an order dated 05.03.2026, having taken note of the abnormal delay in initiation of the disciplinary proceedings, granted interim stay of operation of the impugned charge memo.

5. The respondent filed a counter-affidavit contending that the Government has issued guidelines through G.O.(Ms) No.66, Human Resources Management (N) Department, dated 06.07.2022, in the matter of initiation of disciplinary proceedings, where criminal proceedings were also initiated against the delinquent employee. The respondent is stated to have initiated disciplinary proceedings against the petitioner in terms of the guidelines laid down in the said Government Order. It is also stated that the standard of proof that is required in the criminal proceedings is beyond reasonable doubt, whereas in the disciplinary proceedings, only the preponderance of probabilities is sufficient to arrive at a conclusion.



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6. Heard Mr.T.Aswin Rajasimman, learned counsel for the petitioner and Mrs.K.Porkodi, learned counsel for the Government, appearing for the respondent.

7. Learned counsel for the petitioner contended that once the delinquent employee is acquitted on the very same charges by a competent court of law, it is not open for the employer to initiate disciplinary proceedings, on the very same charges and in support of his contention, he placed reliance on a decision of the Honourable Apex Court in the case of ***Ram Lal vs. State of Rajasthan and others***, reported in ***(2024) 1 SCC 175***.

8. Learned counsel for the petitioner also drew the attention of this Court to the list of witnesses, who were examined in the criminal proceedings and the list of witnesses, who are sought to be examined in the disciplinary proceedings initiated through the impugned charge memo and contended that the very same witnesses are sought to be examined and therefore, the respondent cannot be permitted to proceed with the further proceedings pursuant to the impugned charge memo. He also further contended that the allegation / misconduct that is sought to be enquired into



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through the impugned charge memo is relating to the year 2009 and for the first time, the same is sought to be enquired into by issuing the impugned charge memo after a lapse of 17 years and therefore, the same would cause serious prejudice to the petitioner. He also further contended that it is not possible for the petitioner to re-collect and remember the incident that has taken place in the year 2009 in order to defend herself in the disciplinary proceedings initiated through the impugned proceedings. Thus, he contended that the delay in initiation of the disciplinary proceedings by itself would cause serious prejudice to the petitioner. In support of his contention, he also placed reliance on the decisions of the Honourable Apex Court, namely, ***P.V.Mahadevan vs. MD.T.N.Housing Board***, reported in **(2005) 6 SCC 636** and ***Amresh Shrivastava vs. The State of Madhya Pradesh & others***, reported in **2025 LiveLaw (SC) 376**.

9. On the other hand, Mrs.K.Porkodi, learned counsel for the Government appearing for the respondent contended that the grounds, on which the petitioner was acquitted in the criminal proceedings, are totally different and the core reason for acquittal is the failure on the part of the investigating agency to establish the charges beyond reasonable doubts and therefore, the impugned charge memo cannot be interfered with basing on the



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acquittal recorded in the criminal proceedings and in support of the said contention, she also placed reliance on the decisions of the Honourable Apex Court in the cases of ***Ajit Kumar Nag vs. General Manager (P.J.), Indian Oil Corporation Ltd., Haldia and others***, reported in **(2005) 7 SCC 764**; ***The Divisional Controller, KSRTC vs. M.G.Vittal Rao***, reported in **(2012) 1 SCC 442**; ***State of Madhya Pradesh and others vs. Akhilesh Jha and others***, reported in **(2021) 12 SCC 460** and ***Airports Authority of India vs. Pradip Kumar Banerjee***, reported in **2025 INSC 149**.

10. Learned counsel for the Government also further contended that the disciplinary proceedings initiated now against the petitioner are in terms of the guidelines laid down by the Government under G.O.(Ms) No.66, Human Resources Management (N) Department, dated 06.07.2022 and no prejudice would be caused to the petitioner, if she participates in the enquiry and if at all she is not guilty of the charges, she can establish the same by adducing appropriate evidence during the course of disciplinary proceedings. She also further submitted that as the petitioner was convicted resulting in removal of the petitioner from service as early as in the year 2018, no disciplinary proceedings could be initiated against her and it is only consequent upon her acquittal *vide* Judgment dated 31.01.2025 passed by



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this Court in CrI.A.(MD) No.444 of 2018, it has become incumbent on the part of the respondent to initiate disciplinary proceedings against the petitioner.

11. This Court has carefully considered the submissions made on either side and also perused the entire materials on record.

12. From the perusal of the first charge as levelled against the petitioner, it is evident that the incident, which is the basis for framing of the said charge against the petitioner, relates back to the month of February, 2009. Thereafter, no action was taken by the respondent to initiate any disciplinary proceedings against the petitioner till the petitioner was acquitted by this Court vide Judgment dated 31.01.2025 passed in CrI.A.(MD) No.444 of 2018. No doubt, a crime was registered against the petitioner on 12.02.2009, which ultimately ended in conviction of the petitioner on 03.08.2018 resulting in removal of the petitioner from service by an order dated 13.09.2019 passed by the Commissioner of Municipal Administration. But, no explanation is offered by the respondent as to why no disciplinary proceedings were initiated against the petitioner from 13.02.2009 till 03.08.2018 i.e., for more than nine years. If at all the respondent was of the view that the case on hand is a fit case for initiation of disciplinary proceedings simultaneously with the criminal



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proceedings and the charges and evidence are different, the respondent should have initiated disciplinary proceedings in the year 2009 itself and should have concluded the same at the earliest. But, in the instant case, though the respondent is fully aware of the involvement of the petitioner in a trap case, has chosen not to initiate any disciplinary proceedings till the year 2018 when the criminal proceeding ended before the Trial Court. Absolutely, no explanation is offered on the side of the respondent for not initiating disciplinary proceedings till the year 2018.

13. As seen from the charge memo as well as the counter-affidavit, absolutely there is no reason assigned by the respondent as to what made them to initiate disciplinary proceedings at this length of time. Mere acquittal of the petitioner cannot be a reason for initiation of disciplinary proceedings, if the respondent really intends to initiate disciplinary proceedings for the alleged misconduct of the petitioner pertaining to the year 2009. By initiating disciplinary proceedings after a lapse of 17 years, the respondent is requiring the petitioner to re-collect what had transpired 17 years back and to submit her explanation to the charges. Such an act would definitely cause severe prejudice to the petitioner, who has undergone a trauma of facing criminal proceedings for 17 years and further making her to



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suffer the same for some more time by initiating disciplinary proceedings after the conclusion of the criminal proceedings. If at all the respondent was of the view that disciplinary proceedings are also necessary against the petitioner for the alleged misconduct, they ought to have initiated the same at an earliest opportunity available to them in the year 2009 or immediately thereafter, which apparently, the respondent has not chosen to do so.

14. In the instant case, the acquittal of the petitioner is undoubtedly not solely on merits and the same also cannot be termed as “Honourable Acquittal”. This Court, while acquitting the petitioner, has come to the conclusion that the inconsistent evidence let in by the prosecution on the demand and recovery on the date of trap is doubtful and the said doubts were not clarified by the prosecution in a proper manner. The relevant portion from the said Judgment reads as under:

“57.So, coming to the demand on the date of the trap, in view of the inconsistent evidence let in by the prosecution the demand and recovery also doubtful. These doubts were not clarified by the prosecution in a proper manner. So, the judgment of conviction and sentence passed by the trial court is liable to be set aside and accordingly, it is set aside.”



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15. No doubt, as rightly contended by the learned counsel for the Government appearing for the respondent, the standard of proof that is required to be established in the criminal proceedings is different from the standard of proof that is required to be established in the departmental proceedings. The petitioner was acquitted in the criminal proceedings because of the failure on the part of the investigating agency to clarify the doubts with regard to the demand and recovery of amount entertained by the Court. In the disciplinary proceedings, the very same charges can be proved by adducing proper evidence and any such doubts can also be clarified during the course of departmental proceedings.

16. Further, the witnesses, who are sought to be examined in the departmental proceedings, though are same to some extent. But, eight more witnesses are sought to be examined in the departmental proceedings in support of the charges framed against the petitioner. Therefore, it cannot be said that the evidence that was adduced in the criminal proceedings and the evidence that is going to be adduced in the departmental proceedings is also one and the same. Therefore, the contention of the learned counsel for the petitioner that the impugned charge memo is liable to be quashed solely basing upon the acquittal in the criminal proceedings by placing reliance on a



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17. Then, coming to the aspect of delay in initiation of disciplinary proceedings, this Court finds force in the submissions made by the learned counsel for the petitioner. In this regard, it would be relevant to refer to the decision of the Honourable Apex Court in **P.V.Mahadevan**'s case (cited supra), wherein the Honourable Apex Court has held as under:

“11.Under the circumstances, we are of the opinion that allowing the respondent to proceed further with the departmental proceedings at this distance of time will be very prejudicial to the appellant. Keeping a higher government official under charges of corruption and disputed integrity would cause unbearable mental agony and distress to the officer concerned. The protracted disciplinary enquiry against a government employee should, therefore, be avoided not only in the interests of the government employee but in public interest and also in the interests of inspiring confidence in the minds of the government employees. At this stage, it is necessary to draw the curtain and to put an end to the enquiry. The appellant had already suffered enough and more on account of the disciplinary proceedings. As a



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matter of fact, the mental agony and sufferings of the appellant due to the protracted disciplinary proceedings would be much more than the punishment. For the mistakes committed by the department in the procedure for initiating the disciplinary proceedings, the appellant should not be made to suffer.”

18. So also, in **Amresh Shrivastava**'s case (cited supra), the Honourable Apex Court has held as follows:

“17. As to the second question, regarding whether delay is a ground for stopping the departmental proceedings at the stage of the chargesheet itself, suffice it to say that this varies from case to case. However, in the instant case where there is unexplained inordinate delay in initiating departmental proceedings despite the alleged misconduct being within the knowledge of the department, but still no departmental proceedings are initiated, the answer must go in favour of the employee. However, there may be cases where the department was not even aware of such irregularities or the misconduct, which is of such a nature that it is indicative, based on material considerations of factors other than merit, such as extraneous influences and gratifications. In such cases, such a delay, by itself



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would not be a valid ground to scuttle the initiation of the process of departmental proceedings.

18. Reference in this regard can be made to the decision of this court in [1990 (Suppl) SCC 738, wherein the court noted that there was no reason to interfere with the quashing as the disciplinary proceedings were initiated after 12 years of delay. A reference should also be made to the decision of this Court in *P.v.Mahadevan vs. MD, T.N.Housing Board* [2005 (6) SCC 636, where it has been reiterated that continuing the departmental proceedings after an undue delay would be unjust, causing unnecessary mental distress and damaging the reputation 1990 (Suppl.) SCC 738 2005 (6) SCC 636 of the employee for the mistakes committed by the department in initiating disciplinary proceedings.”

19. So also, in the case of ***State of A.P. vs. N.Radhakrishnan***, reported in **1998 (4) SCC 154**, it has been held as under:

“19.It is not possible to lay down any pre-determined principles applicable to all cases and in all situations where there is delay in concluding the disciplinary proceedings. Whether on that ground the disciplinary proceedings are to be terminated each case has to be examined on the facts and



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circumstances in that case. the essence of the matter is that the court has to take into consideration all relevant factors and to balance and weight them to determine if it is in the interest of clean and honest administration that the disciplinary proceedings should be allowed to terminate after delay particularly when delay is abnormal and there is no explanation for the delay. The delinquent employee has a right that disciplinary proceedings against him are concluded expeditiously and he is not made to undergo mental agony and also monetary loss when these are unnecessarily prolonged without any fault on his part in delaying the proceedings. In considering whether delay has vitiated the disciplinary proceedings the Court has to consider the nature of charge, its complexity and on what account the delay has occurred. if the delay is unexplained prejudice to the delinquent employee is writ large on the face of it. It could also be seen as to how much disciplinary authority is serious in pursuing the charges against its employee. It is the basic principle of administrative justice that an officer entrusted with a particular job has to perform his duties honestly, efficiently and in accordance with the rules. If he deviates from this path he is to suffer a penalty prescribed. Normally, disciplinary proceedings should be allowed to take its course as per relevant rules but then delay defeats



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justice. Delay causes prejudice to the charged officer unless it can be shown that he is to or when there is proper explanation for the delay in conducting the disciplinary proceedings. Ultimately, the court is to balance these two diverse consideration.”

20. The above cited decisions of the Honourable Apex Court were also referred to and followed by the Coordinate Benches of this Court in W.P. (MD) No.30986 of 2023, Order dated 20.11.2025 (***P.Vijaya Kumar vs. The Director of Survey and Settlement, Chennai-5 and another***); W.P.(MD) No. 25485 of 2025, Order dated 23.01.2026 (***R.Savariraj vs. The Superintendeing Engineer, Dindigul Electricity Distribution Circle, TANGEDCO, Sivagangai, Sivagangai District***) and W.P.(MD) Nos.9595 of 2021 & 24018 of 2024, Order dated 07.11.2025 (***M.Masanam @ Muthiah vs. The State of Tamil Nadu and others***).

21. In the light of the above settled legal position, in the matter of delay in initiation of the disciplinary proceedings, this Court has no other option except to conclude that the initiation of disciplinary proceedings through the impugned charge memo against the petitioner after a lapse of 17 years and in the absence of any plausible explanation, is highly arbitrary,



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illegal and violative of the principles of natural justice and if the same is allowed to continue, the same would result in grave prejudice to the petitioner. Hence, the impugned charge memo issued against the petitioner is liable to be quashed.

22. Accordingly, the impugned charge memo bearing Roc.No. 7976/2025/V2, dated 30.01.2026, issued by the respondent against the petitioner herein, is hereby quashed and this writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

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NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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To:
The Director of Municipal Administration,
Directorate of Municipal Administration,
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MUMMINENI SUDHEER KUMAR, J.

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ORDER
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