



W.P.(MD) No.7643 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date of Reserving the Order	Date of Pronouncing the Order
09.04.2026	17.06.2026

CORAM:

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD) No.7643 of 2024
and
W.M.P.(MD) Nos.6996 & 12821 of 2024

A.Krishnan

... Petitioner

-vs-

1.The Inspector General of Registration
100, Santhome Highroad
Chennai-600 028

2.The District Registrar (Admin)
Office of the District Registrar
Vandikara Theru
Ramanathapuram-623 501

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records pertaining to the impugned order passed by the first respondent in his proceedings No.



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7444/Aa1/2015, dated 05.03.2024 and quash the same as illegal and consequently directing the respondents to pay the pension with all monetary benefits.

For Petitioner : Mr.Sricharan Rengarajan, Senior Counsel
assisted by Mr.C.Jeganathan

For Respondents : Mr.F.Deepak
Special Government Pleader

ORDER

Heard Mr.Sricharan Rengarajan, learned Senior Counsel, assisted by Mr.C.Jeganathan, learned counsel on record for the petitioner and Mr.F.Deepak, learned Special Government Pleader, appearing for the respondents.

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

2.1. The petitioner herein, who was appointed as a Section Writer on 27.10.1980 in the Registration Department, was promoted from time time and finally to the post of Sub Registrar on 11.08.2008. While the petitioner was working as



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Sub Registrar Joint-II in Ramanathapuram, an encumbrance certificate *vide* E.C.No.601 of 2013 was issued in respect of the property covered by a document bearing registration No.299 of 1966, on 23.05.2013. It was on the very next day, one Mr.Balasubramanian alleged to have applied for a duplicate encumbrance certificate and the said application was signed by the petitioner on 27.05.2013. However, before issuing the said encumbrance certificate, the petitioner was relieved from the said post on 02.07.2013. While so, the petitioner was issued with a charge memo dated 19.02.2015 framing two charges against him and requiring him to submit his explanation, while he was due to retire from service on attaining the age of superannuation on 28.02.2015.

2.2. It was on 24.02.2015, the petitioner was permitted to retire from service with effect from 28.02.2015 without prejudice to the pending disciplinary proceedings that were already initiated against him through charge memo dated 19.02.2015. Even before the petitioner was relieved from service on attaining the age of superannuation, a crime was registered



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WEB COPY in Crime No.13 of 2015, on the file of the District Crime Branch, Ramanathapuram, against the petitioner on 27.02.2015 at the instance of the Sub Registrar, Ramanathapuram and it was on 28.02.2015, the petitioner was retired from service on attaining the age of superannuation.

2.3. In response to the charge memo dated 19.02.2015, the petitioner submitted his explanation on 26.09.2015 and thereafter, an Enquiry Officer was appointed and the report of the Enquiry Officer was submitted on 05.10.2015. A copy of the said report was furnished to the petitioner and in response thereto, the petitioner also submitted his further explanation on 28.12.2015.

2.4. Thereafter, no further action has been taken by the respondents while withholding of the petitioner's terminal benefits. Hence, the petitioner approached this Court by filing a writ petition in W.P.(MD) No.8681 of 2020 seeking a direction to the respondents to pay the death-cum-retirement gratuity together with interest. The said writ petition came be disposed



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WEB COPY of by a Coordinate Bench of this Court *vide* order dated 21.10.2021 directing the second respondent herein to pass fresh orders in the light of Rule 69 of the Tamil Nadu Pension Rules within a period of four weeks from the date of receipt of a copy of the said order, while directing the first respondent herein to conclude the disciplinary proceedings initiated against the petitioner through charge memo dated 19.02.2015 as expeditiously as possible within a period of three months from the date of receipt of a copy of the said order, if there is otherwise no legal impediment.

2.5. Aggrieved by the said order, the respondents herein filed a writ appeal in W.A.(MD) No.72 of 2022 and the said writ appeal came to be dismissed by the learned Division Bench of this Court on 08.02.2022. It was thereafter, a second show cause notice was issued to the petitioner on 24.03.2022 proposing to withhold the entire pension payable to him as a measure of punishment. In response thereto, the petitioner submitted his objection on 08.04.2022.



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2.6. While the matter stood thus, in the criminal case that was registered against the petitioner *vide* Crime No.13 of 2015, charge sheet was filed and it was taken on file in C.C.No. 53 of 2018, by the learned Judicial Magistrate No.II, Ramanathapuram. In the said criminal case, the petitioner herein and other accused were acquitted *vide* Judgment dated 19.09.2023. Immediately thereafter, the petitioner brought the same to the notice of the first respondent herein by submitting a representation dated 04.10.2023. The first respondent, having issued a second show cause notice on 24.03.2022, failed to take any further action thereafter for about two years and it is only on 05.03.2024, the first respondent passed a final order in the disciplinary proceedings, that were initiated against the petitioner through charge memo dated 19.02.2015, proposing to withhold the entire pension payable to the petitioner. It is aggrieved by the said proceedings dated 05.03.2024, the petitioner is before this Court.

3. Learned Senior Counsel appearing for the petitioner attacked the impugned proceedings mainly on the ground that the first respondent



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lacks jurisdiction to issue the same. According to him, once the timeline prescribed by this Court *vide* order dated 21.10.2021 in W.P.(MD) No.8681 of 2020 came to an end, the disciplinary proceedings would lapse. In support of the said contention, he also placed reliance on an order passed by this Court in the case of ***State of Tamil Nadu vs. T.Ranganathan***, reported in **2010-2-L.W.867** and several other orders passed by the Coordinate Benches of this Court.

4. Learned Senior Counsel also further contended that the charges that are levelled against the petitioner *vide* charge memo dated 19.02.2015 and C.C.No.53 of 2018 are identical and the witnesses, who are sought to be examined in both the proceedings, are also one and the same and therefore, the first respondent is not justified in issuing the impugned proceedings after the petitioner was acquitted in the criminal proceedings on an identical charge. In support of the said contention, he also placed reliance on the decision of the Honourable Apex Court in the case of ***Ram Lal vs. State of Rajasthan and others***, reported in **(2024) 1 SCC 175**.

5. Learned Senior Counsel further contended that the disciplinary proceedings that were initiated against the petitioner through charge memo



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dated 19.02.2015 i.e., just before the superannuation of the petitioner from service, are also vitiated for prolonged continuation of the same till the year 2024. In support of the said contention, he also placed reliance on various decisions of the Honourable Apex Court in the cases of ***State of Madhya Pradesh vs. Bani Singh and another***, reported in **1990 (Supp) SCC 738**; ***State of A.P. vs. N.Radhakrishnan***, reported in **1998 (4) SCC 154**; ***P.V.Mahadevan vs. M.D.Tamil Nadu Housing Board***, reported in **2005 (4) CTC 403** and ***The Special Commissioner and Commissioner of Commercial Taxes, Chepauk vs. N.Sivasamy***, reported in **2005 (5) CTC 451**.

6. Learned Senior Counsel also made elaborate arguments on the merits of the charges framed against the petitioner and contended that the petitioner, under no circumstances, can be held liable for the alleged charges as there is no evidence to show about the actual period during which the record in question was destroyed in the office of the Sub Registrar, Ramanathapuram. He further contended that the conclusion arrived at by the Enquiry Officer is also based on no evidence, but, totally based on probabilities and assumptions.



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7. On the other hand, Mr.F.Deepak, learned Special Government Pleader appearing for the respondents, drew the attention of this Court to Paragraph Nos.6, 7 & 12 of the counter-affidavit filed by the respondents and contended that the delay in concluding the disciplinary proceedings is not fully attributed to the respondents and the petitioner is also responsible for the same. He further submitted that immediately after the writ appeal in W.A. (MD) No.72 of 2022 was dismissed by the learned Division Bench of this Court on 08.02.2022, a second show cause notice was issued to the petitioner on 24.03.2022 seeking consent of the petitioner for imposing the proposed punishment of withholding the pension payable to him. But, as the petitioner refused to furnish his consent by submitting a representation dated 08.04.2022, the first respondent was constrained to refer the matter to the Tamil Nadu Public Service Commission and there was a considerable delay in receipt of the opinion from the Tamil Nadu Public Service Commission and finally, it was after receipt of the opinion from the Tamil Nadu Public Service Commission, the impugned proceedings came to be issued on 05.03.2024. Thus, he tried to justify the delay in issuing the impugned proceedings beyond the timeline prescribed by this Court.



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8. Learned Special Government Pleader further contended that the charges that are levelled against the petitioner in the criminal proceedings are not identical to the charges that are levelled against the petitioner in the charge memo dated 19.02.2015 and therefore, the acquittal of the petitioner in the criminal proceedings will have no impact on the disciplinary proceedings initiated against him. He also further contended that there is no abnormal delay on the part of the respondents in concluding the disciplinary proceedings in the facts and circumstances of the case.

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

10. There is no dispute on the factual aspects of the matter. Admittedly, the disciplinary proceedings that were initiated against the petitioner through charge memo dated 19.02.2015 were enquired into and a report of the Enquiry Officer was submitted on 05.10.2015 i.e., within a period of eight months and the petitioner also submitted his further explanation / objection against the report of the Enquiry Officer on 28.12.2015. It was thereafter, there was total silence on the part of the respondents and no steps have been taken on the said disciplinary proceedings till the petitioner



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approached this Court by filing a writ petition in W.P.(MD) No.8681 of 2020.

In the said writ petition, this Court, having taken note of the prolonged disciplinary proceedings, passed an order dated 21.10.2021 directing the first respondent herein to conclude the disciplinary proceedings initiated against the petitioner as expeditiously as possible preferably within a period of three months from the date of receipt of a copy of the said order. The said order was also confirmed by the learned Division Bench of this Court *vide* Judgment dated 08.02.2022 passed in W.A.(MD) No.72 of 2022. It was thereafter, a second show cause notice was issued to the petitioner by the first respondent on 24.03.2022 and the same was replied by the petitioner on 08.04.2022. From that date, it is for the first respondent to pass appropriate final orders in the said disciplinary proceedings. But, for the reasons best known, the first respondent having asked the Tamil Nadu Public Service Commission to furnish its opinion through letter dated 12.05.2022, received the response from the Tamil Nadu Public Service Commission on 20.11.2023, passed final orders only on 05.03.2024 i.e., after four months from the date of receipt of the opinion from the Tamil Nadu Public Service Commission. The first respondent herein, being a party to the writ petition in W.P.(MD) No.8681 of 2020, whereby a time limit was prescribed for concluding the disciplinary proceedings, is bound by the said order. Having been fully aware of the orders



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passed by this Court, the first respondent failed to pass orders within a time limit prescribed by this Court.

11. Whether the first respondent is entitled to continue the disciplinary proceedings and pass final orders after expiry of the time limit stipulated by this Court or not is the crucial issue that is required to be answered in this matter. There is no dispute about the timeline prescribed by this Court. This Court had an occasion to consider an identical issue in W.P. (MD) No.27112 of 2015, wherein, and this Court, by an order dated 14.07.2025, having referred a decision of the Honourable Apex Court, came to the conclusion that once the outer timeline fixed by this Court comes to an end, the competent authority will lose its authority to pass any orders in the disciplinary proceedings. While arriving at such a conclusion, this Court has also referred to various orders passed by the Coordinate Benches of this Court in the said order. The relevant portion of the said order dated 14.07.2025 reads as under:

“7. Be that as it may, the next question that arise for consideration is whether the respondents are entitled to continue the disciplinary proceedings and pass final orders after expiry of the time stipulated by this court or not? The law on this aspect is well settled, and the Hon'ble Apex Court,



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in the recent decision in the case of “State of Uttar Pradesh -vs- Ram Prakash Singh” reported in (2025) SCC Online SC 891 held as follows:-

“62. While affirming the aforesaid view of the Full Bench, we would like to provide clarification on certain points not touched by such bench. First, in view of unseen institutional hurdles that can slow down swift action, it may not always be possible for the disciplinary authority in each such case where a fixed time has been stipulated by a tribunal/court to conclude the proceedings to apply and seek extension of time before expiry of such time although there can be no gainsaying that applying and obtaining an extension before expiry is eminently desirable. In exceptional cases, even after expiry of the stipulated time, such an application can be moved; and, depending on the cause shown for inability or failure to conclude the proceedings within the time stipulated and also for not applying for extension before expiry, the tribunal/court may, in its discretion, allow or reject the prayer for extension. If the application is rejected, the proceedings cannot be carried forward unless a superior court, reversing the order of rejection, permits the disciplinary authority to so proceed. Secondly, if the delinquent employee objects to continuation of proceedings beyond the



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time stipulated, the disciplinary authority without proceeding further ought to apply for extension of time and may not go ahead till such time its prayer for extension is granted on such application. Proceeding despite objection and without there being an extension could give rise to apprehensions of bias. Therefore, applying for extension upon halting the proceedings awaiting order on the application would be an advisable course of action to balance the interests of both the employer and the employee. Thirdly, even if the delinquent employee has not objected to continuation of proceedings beyond the time stipulated by the tribunal/court but before the final order is passed in the proceedings, the disciplinary authority would be bound to seek and obtain extension of time. This is for the simple reason that the sanctity of the orders of tribunals/courts cannot be disrespected by errant parties. The dignity of the judicial process would be seriously eroded and there would be nothing left of the rule of law if orders of tribunals/courts, validly made, are disobeyed and the disobedience is encouraged by being indulgent. Finally, we hasten to add that if a tribunal/court stipulates a fixed time by which an enquiry or proceedings for disciplinary action ought to be concluded coupled with a rider that, in default, the



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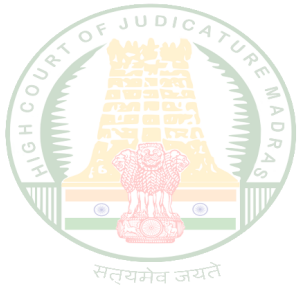
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enquiry/proceedings will stand lapsed, the disciplinary authority in such a case would cease to have the jurisdiction to proceed further unless, of course, citing genuine grounds, a recall of such default clause is sought and obtained to proceed further in accordance with law.

63. We also hold that continuation of disciplinary proceedings beyond the time stipulated by a tribunal/court could invite interdiction if no bona fide attempt is shown to have been made to seek an extension of time. However, much would depend on the facts of each case and it may not be possible to lay down a common formula applicable to each case. In an exceptional case, the tribunal/court would have the discretion to overlook the laxity and make such direction as it deems fit in the circumstances.

64. The answer to the fourth issue, in view of our discussion, has to be in favour of the respondent and against the appellant. Without an extension of time, no order of punishment could have been validly made and the grievance of the respondent in this behalf is absolutely legitimate.”

8. So also is the view taken by the various Co-ordinate Benches of this court in W.P.No.23178 of 2014 dated 23.12.2020, W.P.No.27009 of 2007 dated 04.09.2013 and



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W.P.No.11481 of 2011 dated 04.03.2024, as well as Madurai Bench of this court in W.P (MD) No.4856 of 2022 dated 29.10.2024, W.P (MD) No.19706 of 2017 dated 02.08.2017 and W.P (MD) No.26540 of 2023 dated 20.12.2023.

9. In the light of the above settled legal position, it is clear that once this court fixed a time limit for the respondents to conclude the disciplinary proceedings, it is obligatory on the part of the respondents to conclude the same within the time stipulated by this court or within the extended time. In the present case, the respondents, having failed to conclude the disciplinary proceedings by the end of July, 2012, sought extension of time up to April 2013, but they failed to conclude the disciplinary proceedings even within the extended period. Admittedly, thereafter, the respondents have not sought for further extension of time and passed orders after expiry of the time stipulated by this court.

10. In the light of the settled legal position as held by the Hon'ble Apex Court, the respondents lost their authority to pass any orders in the disciplinary proceedings that were initiated against the petitioner in the year 2001, as the said proceedings stood lapsed on the expiry of the time stipulated by this court by end of April, 2013. No doubt, the Hon'ble Apex Court has held that each case has to be decided on its own facts and circumstances.”



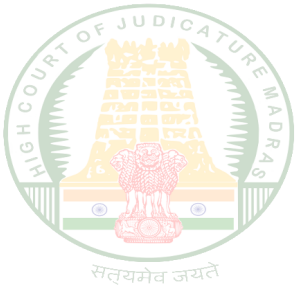
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12. In the light of the above settled legal position, this Court has no hesitation to come to the conclusion that the first respondent herein lost his authority to pass the impugned order from the moment the timeline prescribed by this Court *vide* order dated 21.10.2021 in W.P.(MD) No.8681 of 2020 has come to an end. The said period has come to an end as early as in the year 2022 and the impugned order came to be passed by the first respondent only on 05.03.2024. Hence, the only conclusion that can be arrived at in this matter is that the first respondent herein lost his authority to pass the impugned order and therefore, the impugned order is liable to be declared as arbitrary, illegal and as the one passed without power or authority.

13. In the light of the conclusion arrived at by this Court on the main arguments advanced by the learned Senior Counsel appearing for the petitioner, this Court does not deem it necessary to advert to the other submissions made on behalf of the petitioner.

14. Accordingly, the impugned proceedings bearing No. 7444/Aa1/2015, dated 05.03.2024, issued by the first respondent, is hereby quashed and this writ petition is allowed. The respondents are directed to



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disburse all the terminal benefits payable to the petitioner as expeditiously as possible, at any rate, within a period of two months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

17.06.2026

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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To:

- 1.The Inspector General of Registration,
100, Santhome Highroad,
Chennai-600 028.
- 2.The District Registrar (Admin),
Office of the District Registrar,
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ORDER
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