

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.28 of 2024 & 671 of 2025
and
CMP.(MD)Nos.84 of 2024 & 4746 of 2025

WA.(MD)No.28 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.14655 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.671 of 2025

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,
Secretariat, Chennai-5.

2.The Commissioner,
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... Respondents

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against the order passed in WP.(MD)No.14655 of 2020 dated 16.06.2023.

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.14655 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.671 of 2024.



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2.Originally the appellant has challenged the order passed by the first respondent vide G.O.(Pa)No.3 Tourism Culture and Religious Endowments Department, dated 07.01.2020 confirming the impugned proceedings of the second respondent dated 27.03.2019 and quash the same and to direct the officials to restore all the monetary benefits including the back wages on par with his seniority.

3.According to the appellant, while he was working as Executive Officer Grade III in Arulmigu Subramaniya Swami Temple, Tirunelveli District from 06.11.2000 to 09.07.2010 for the Fasli year 1410 to 1419. Consequently, he was issued with charge memo under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules comprising of 26 items of charges vide proceedings dated 05.12.2014. Enquiry was conducted and it was held that out of 26 charges, 12 charges were proved, 14 charges was not proved. However, the second respondent agreed the enquiry officer's report and held that 12 charges were proved, vide impugned proceedings and thereby imposed punishment of stoppage of increment without cumulative effect for 3 years as and when due via order dated 27.03.2019. He filed statutory appeal on time. However, after a lapse of about 8 months, the first respondent dismissed the appeal preferred by the appellant.



Challenging the same, the appellant preferred the writ petition.

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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”.

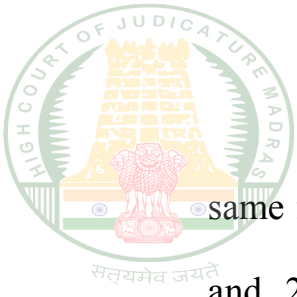
Aggrieved over the findings of the learned Writ Court that the pendency of disciplinary action will not come in the way of the appellant from being considered for promotion, the respondents have preferred the writ appeal in WA.(MD)No.28 of 2024. Similarly, aggrieved over the findings of the learned Writ 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.671 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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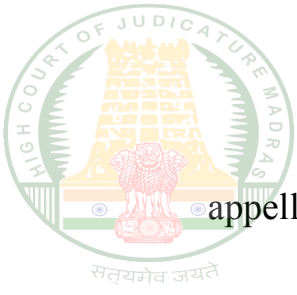
without taking into consideration of the gravity of the charges and apparent predetermined conduct on the part of the respondents in imposing major punishment. The respondents have not alleged that the appellant's actions caused any financial loss or amounted to misconduct. As the allegations, it only relates to the procedural violations, hence the disciplinary proceedings under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules are contrary to the departmental circulars dated 11.02.1997 and 02.02.2017. The learned Writ Court failed to consider that the disciplinary proceedings suffered from inordinate delay, prejudicing the appellant's ability to effectively defend himself. The appellant never entered into any fresh lease or authorized the occupants of the land, and the mere change of names in the Demand Collection Balance Register does not confer any leasehold rights. The charges suffer from non-application of mind, as they were framed without ascertaining whether the change of names represented sublessees or merely representatives of the original leaseholders. Even assuming unauthorized occupation, the applicable procedure requires levy of charges for use and occupation, and such collection cannot by itself establish misconduct on the part of the appellant. The respondents wrongly held Charge No.4 proved, despite the finding that the relevant change of entry had been made even before the appellant's tenure. On the



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same factual basis, Charges Nos.1, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 24 and 25 were held not proved. Nevertheless, neither the appellant's predecessors nor the actual persons responsible were subjected to disciplinary action, demonstrating arbitrariness and discrimination. With regard to Charge No.15, the respondents failed to consider the appellant's explanation that the allegation is factually incorrect, as the alleged subdivision was carried out pursuant to land acquisition proceedings initiated by the National Highways Department.

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 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.

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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



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(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 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, 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.

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 2014, major punishment imposed in the year 2019 and the appeal came to be dismissed in the year 2020 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.



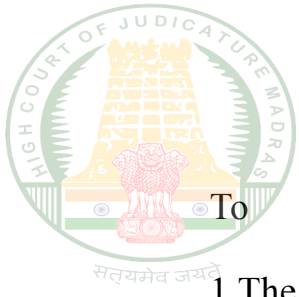
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11. In the result, with the above observation and directions, the

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.
AND
M.JOTHIRAMAN, J.**

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