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WP No. 8712 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-03-2026

CORAM

THE HON'BLE MS. JUSTICE P.T. ASHA

WP No. 8712 of 2026

AND

WMP NO. 9384 OF 2026

V. Kumar
S/o A. Vadivelu
Old No 16/1 New No 37 Thandavarayan Street,
Ice House, Triplicane, Chennai - 600 005.

..Petitioner

Vs

1. The State of Tamil Nadu
Represented by its Principal secretary,
Municipal Administration and Water Supply Department,
Secretariat, Chennai - 600 009.
2. Greater Chennai Corporation
Represented by its Commissioner,
Ripon Building, Chennai - 600 003.

..Respondents

PRAYER : Writ Petition filed under Article 226 of Constitution of India praying to issue a Writ of Certiorarified Mandamus c for the records for the records of the 2nd respondent in proceedings bearing Po.Dhu.Se.Mu.AA. Na.Ka.No.Ee 13/1263/2023 dated 08.12.2025 and quash the same and consequently direct the Respondents 1 and 2 to treat the petitioner as having continued in service uninterruptedly till his actual date of superannuation I.e., 30.06.2024 and further to grant all attendant and consequential benefits by treating the petitioner as having been promoted in the due course of service as per his eligibility and seniority, up to the date of his superannuation, and to revise the disburse all pensionary and terminal benefits including full pension,



gratuity, commutation and all other admissible retiral benefits on that basis, and pass orders.

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For Petitioner: Mr.Richardson Wilson

For Respondents: Mr.C.Selvaraj
Additional Government Pleader for R1

Ms.P.T.Rama Devi
Standing Counsel for R2

ORDER

The above writ petition has been filed challenging the order passed by the second respondent dated 08.12.2025 and seeking a direction to the respondents 1 and 2 to treat the petitioner service, being continued uninterruptedly till his date of superannuation on 30.06.2024, along with all attendant benefits.

2. On a vague and malicious complaint dated 09.09.2006 alleging that the petitioner had possessed disproportionate assets, charges are framed and disciplinary proceedings were initiated against him, culminating in a case being filed before the Tribunal in TDP Case No.19 of 2012. The petitioner would submit that he had produced the documents to show that the figure relates to the agricultural wealth of his ancestors, rental income, savings etc., and by no stretch of imagination, it could be termed as disproportionate assets. Despite the



above, enquiry proceedings have been initiated against the petitioner. The petitioner would submit that the procedures adopted by the respondents, have vitiated the decision-making process, which included the non-examination of the complainant and failure to consider the documents submitted by the petitioner.

3. Though the original charge alleges disproportionate assets to the tune of Rs.46,36,888.45, ultimately, the same was reduced by orders of the Tribunal dated 22.03.2016, to Rs.28,89,804.53. While so, after a lapse of one year, the charge memo was issued by the Deputy Commissioner (Works) on 21.03.2017, for the very same set of allegations, which was the subject matter of the proceedings before the Tribunal. Aggrieved by the same, the petitioner filed W.P.No.8195 of 2017 before this Court and pursuant to this, the Deputy Commissioner (Works) admitted that the charge memo had been issued inadvertently, and consequently, withdrawn the same. However, notwithstanding such withdrawal, the Deputy Commissioner (Works) proceeded to dismiss the petitioner from service for the very same charges vide order dated 18.9.2017.

4. Subsequently, the petitioner had challenged the dismissal order dated 18.09.2017, by filing a writ petition in W.P.No.28777 of 2017, which came to be allowed by orders of this Court dated 11.01.2022, observing that the



dismissal is a non-speaking order, vitiated by total non-application mind of the respondents. The Deputy Commissioner (Works) have taken up the order dated

11.01.2022 on appeal in W.A.No.973 of 2022. The appeal was disposed of by a Division Bench of this Court, dated 07.11.2023, setting aside the order of the learned Single Judge and remitting the matter to the Commissioner of Municipal Corporation, for fresh consideration on merits.

5. The petitioner would submit that the Commissioner of Greater Chennai Corporation, the second respondent vide his proceedings dated 26.03.2024, had imposed the punishment of compulsory retirement to the petitioner with effect from 18.09.2017, without considering the evidence on record. This was challenged by the petitioner in W.P.No.12696 of 2024 and the learned Single Judge had held that as against the order of the Commissioner, there is an appeal remedy before Government is available to the petitioner. However, the petitioner had filed an appeal W.A.No.2387 of 2024 before this Court and the Division Bench of this Court had confirmed the findings of the learned Single Judge in W.P.No.12696 of 2024.

6. The petitioner thereafter preferred an appeal before the second respondent and the second respondent vide his proceedings dated 08.12.2025, has dismissed the appeal. Challenging the same, the petitioner is before this Court with the aforesaid prayer.

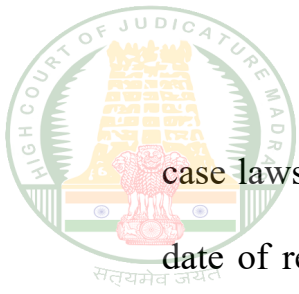


7. Heard the learned counsel for the petitioner and Mr.C.Selvaraj, learned Additional Government Pleader appearing for the first respondent and Mrs.P.T.Rama Devi, learned Standing Counsel appearing for the second respondent and also perused the materials placed before the Court.

8. A mere perusal of the impugned order would clearly demonstrate that it is once again a non-speaking order, which is totally bereft of application of mind. After discussing the earlier proceedings, and the Court order, the second respondent has passed the following order ;

“திரு.V.குமார், முன்னாள் இளநிலை பொறியாளர், தொடுத்திருந்த நீதிமன்ற வழக்கு W.A.No.2387/2024ல் பிறப்பிக்கப்பட்டுள்ள நீதிமன்ற ஆணையின்படி மனுதாரர் அரசுக்கு சமர்ப்பித்துள்ள மேல்முறையீட்டு மனுவில் குறிப்பிடப்பட்டுள்ள அனைத்து விவரங்கள் மற்றும் ஒழுங்கு நடவடிக்கை தீர்ப்பாயத்தால் வழங்கப்பட்ட இறுதி ஆணை ஆகியவை கருணை நோக்குடன் விரிவாக பரிசீலிக்கப்பட்டதில் மேல்முறையீட்டு மனுவில் தெரிவித்துள்ள விளக்கங்கள் ஏற்படையதாக இல்லை என்பதால் திரு.V.குமார், முன்னாள் இளநிலை பொறியாளர் அவர்களுக்கு நிர்வாகத்தால் வழங்கப்பட்ட “கட்டாய ஓய்வு(Compulsory retirement from the Corporation Service) (2/3 of Pension and Gratuity)” தண்டனை உறுதி செய்து ஆணையிடப்படுகிறது.”

9.While passing the order in W.A.No.973 of 2022, this Court had directed the Commissioner of Municipal Corporation, to whom the matter was remitted back, to pass orders on merits after taking note of all the grounds raised and the



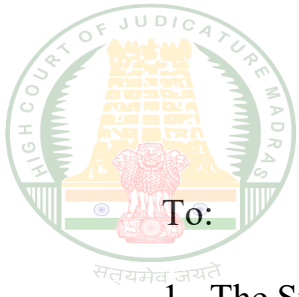
case laws cited by the respective parties, within a period of six weeks from the date of receipt of a copy of the judgment. Therefore, this Court made it clear that the second respondent should consider the grounds raised by the petitioner, dilate upon it and also to consider the case laws submitted by either side, and thereafter, pass orders. This implies that a personal hearing should be given to the parties. None of these have been followed by the second respondent.

10. Therefore, considering the fact that the second respondent has passed the impugned order without taking into account the orders of this Court in W.A.No. 973 of 2022, the writ petition is allowed and the impugned order is hereby quashed, and the matter is once again remitted back to the second respondent, who shall consider and dispose of the petitioner's appeal in the lines of the order passed in W.A.No.973 of 2022, after giving him a personal opportunity of hearing. No costs. Consequently, connected miscellaneous petition is closed.

13-03-2026

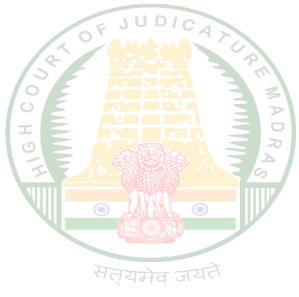
Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

DS



To:

1. The State of Tamil Nadu
Represented by its Principal secretary,
Municipal Administration and Water Supply Department,
Secretariat, Chennai - 600 009.
2. Greater Chennai Corporation
Represented by its Commissioner,
Ripon Building, Chennai - 600 003.



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