

WP(MD). Nos.27685 to 27687, 29428 to 29432 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 29/04/2026

CORAM

THE HON'BLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

WP(MD). Nos.27685, 27686, 27687, 29428 to 29432 of 2024

and WMP(MD)Nos.8351,8265,8263, 8339,

8353, 8255, 8349, 8258 of 2026

In WP(MD)No.27685 of 2024:

R.Murugesan

... Petitioner

Vs.

1. The Secretary to Government,
Rural Development Department and Panchayat Raj Department,
Fort St.George,
Chennai - 09.

2. The Commissioner,
Tribunal For Disciplinary Proceedings,
1st Floor, Old Collectorate Building,
Trichy.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari calling for the records of the 2nd respondent in connection with the impugned charge memo formulated in TDP Case No. 11D of 2023 Na.Ka.A1/220/2023 dated 30.08.2024 and quash the same.



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In WP(MD). No.27686 of 2024:

T.Prathish Kumar

... Petitioner

Vs.

1. The Secretary to Government,
Rural Development Department and
Panchayat Raj Department,
Fort St.George, Chennai - 09..

2. The Commissioner,
Tribunal For Disciplinary Proceedings,
1st Floor, Old Collectorate Building,
Trichy.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari calling for the records of the 2nd respondent in connection with the impugned charge memo formulated in TDP Case No. 11F of 2023 Na.Ka.A1/220/2023 dated 30.08.2024 and quash the same.

In WP(MD). No.27687 of 2024:

R.Manjula

... Petitioner

Vs.

1. The Secretary to Government,
Rural Development Department and
Panchayat Raj Department,
Fort St.George,
Chennai - 09..

2. The Commissioner,
Tribunal For Disciplinary Proceedings,
1st Floor, Old Collectorate Building,
Trichy.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari calling for the records of the 2nd respondent in connection with the impugned charge memo formulated in TDP Case No. 11C of 2023 Na.Ka.A1/220/2023 dated 30.08.2024 and quash the same.



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In WP(MD). No.29428 of 2024:

R.Rathinamala

... Petitioner

Vs

1. The Secretary to Government,
Rural Development Department and
Panchayat Raj Department,
Fort St.George, Chennai 09.
2. The Commissioner,
Tribunal For Disciplinary Proceedings,
1st Floor, Old Collectorate Building,
Trichy.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of Constitution of India, praying this Court to issue of Writ of Certiorari calling for the records of the 2nd respondent in connection with the impugned charge memo formulated in TDP case No.11A of 2023 Na.Ka.A1/ 220/2023 dated 30.08.2024 and quash the same and pass such further relief as this Honble Court may deem fit in the circumstances arising out of the case and thus render justice.

In WP(MD). No.29429 of 2024:

S.Latha

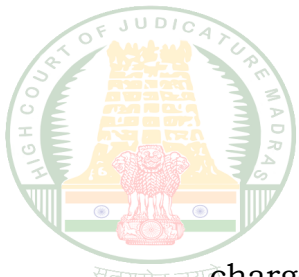
... Petitioner

Vs.

1. The Secretary to Government,
Rural Development Department and
Panchayat Raj Department,
Fort St.George,
Chennai 09.
2. The Commissioner,
Tribunal For Disciplinary Proceedings,
1st Floor, Old Collectorate Building,
Trichy.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of Constitution of India, praying this Court to issue of Writ of Certiorari calling for the records of the 2nd respondent in connection with the impugned



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charge memo formulated in TDP case No.11B of 2023 Na.Ka.A1/220/2023 dated 30.08.2024 and quash the same.

In WP(MD). No.29430 of 2024:

N.Somasundaram

... Petitioner

Vs.

1. The Secretary to Government,
Rural Development Department and
Panchayat Raj Department,
Fort St.George, Chennai 09.

2. The Commissioner,
Tribunal For Disciplinary Proceedings,
1st Floor, Old Collectorate Building,
Trichy.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of Constitution of India, praying this Court to issue of Writ of Certiorari calling for the records of the 2nd respondent in connection with the impugned charge memo formulated in TDP case No.11H of 2023 Na.Ka.A1/220/2023 dated 30.08.2024 and quash the same.

In WP(MD). No.29431 of 2024:

G.Kumar

... Petitioner

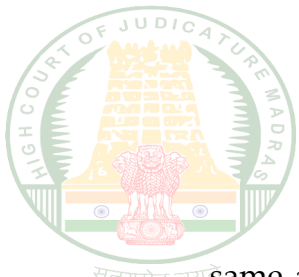
Vs.

1. The Secretary to Government,
Rural Development Department and
Panchayat Raj Department,
Fort St.George,
Chennai 09.

2. The Commissioner,
Tribunal For Disciplinary Proceedings,
1st Floor, Old Collectorate Building,
Trichy.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of Constitution of India, praying this Court to issue of Writ of Certiorari calling for the records of the 2nd respondent in connection with the impugned charge memo formulated in TDP case No.11E of 2023 Na.Ka.A1/220/2023 dated 30.08.2024 and quash the



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same and pass such further relief as this Honble Court may deem fit in the circumstances arising out of the case and thus render justice.

In WP(MD). No.29432 of 2024:

V.Krishna Kumar

... Petitioner

Vs.

1. The Secretary to Government,
Rural Development Department and
Panchayat Raj Department,
Fort St.George,Chennai 09.

2. The Commissioner,
Tribunal For Disciplinary Proceedings,
1st Floor, Old Collectorate Building,
Trichy.

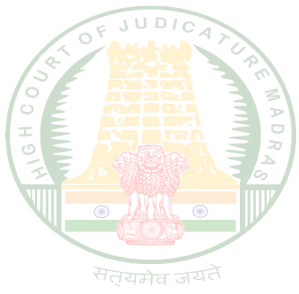
... Respondents

PRAYER:- Writ Petition filed under Article 226 of Constitution of India, praying this Court to issue of Writ of Certiorari calling for the records of the 2nd respondent in connection with the impugned charge memo formulated in TDP case No.111of 2023 Na.Ka.A1/220/2023 dated 30.08.2024 and quash the same.

COMMON ORDER

In this batch of writ petitions, a common issue would arise for consideration and as such, they are taken up for consideration together and are being disposed of by this common order.

2. It would be suffice if the facts of the first case are referred to and a conclusion is arrived at, as the fate of other writ petitions would be the same.

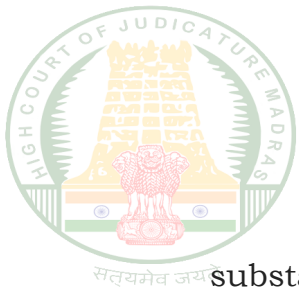


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3.W.P(MD)No.27685 of 2024 has been filed seeking a writ of Certiori calling for the records of the second respondent in connection with the impugned charge memo formulated in TDP Case No. 11D of 2023 Na.Ka.A1/220/2023 dated 30.08.2024 and quash the same.

4.Originally, a criminal case was registered against the petitioner under Prevention of Corruption Act duly arraying the petitioner herein as the accused officer No.4 on certain allegations of corruption and accordingly, an investigation was carried out. On Completing the entire investigation, the Investigating Agency recommended to drop further action against the petitioner herein, who worked as the Block Development Officer(VP), Kollidam and now working as the Secretary, the Office of the District Panchayat, Thanjavur District. The said recommendation was accepted by the Government and accordingly, the Government issued G.O.(2D)No.136 Rural Development and Panchayat Raj (E2) Department dated 19.09.2023. It was thereafter, the Government appears to have addressed a letter to the second respondent herein on 19.09.2023 duly communicating the report of the Investigating Agency and requested the second respondent to conduct an enquiry into the



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substantiated main allegation against the accused officers. It was pursuant to the said letter dated 19.09.2023, the second respondent issued the impugned charge memo, however, without making any reference to the said letter dated 19.09.2023. It is aggrieved by the said charge memo dated 30th August 2024, the petitioner is before this Court.

5. Though several contentions have been raised before this Court, this Court is not inclined to go into all those aspects for the simple reason that the very authority of the second respondent to frame the charges against the petitioner is under challenge and in case, if the same is answered in favour of the petitioner, there is no need to examine all other aspects of the matter.

6. Heard Mr.Lajapathi Roy, learned Senior Counsel appearing for Mr.S.Sivakumar, learned counsel appearing for the petitioners and Mr.S.Shaji Bino, learned Special Government Pleader for the respondents.

7. The learned Senior Counsel appearing for the petitioner has

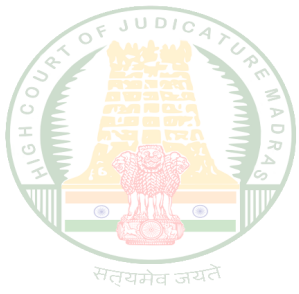


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taken me through various provisions including the Tamil Nadu Civil Service (Disciplinary Proceedings Tribunal) Rules, 1955 (hereinafter referred to as 'the Rules') and contended that the Tribunal for Disciplinary Proceedings (hereinafter referred to as 'TDP'), with specific attention of this Court to Rule 8(a)(i) of the Rules and contended that TDP will have jurisdiction in cases of corruption and also in cases of corruption combined with other charges to frame charges and then, to conduct an enquiry into the said charges. According to the learned Senior Counsel, in all other cases, where the corruption charges are not involved, the procedures laid down under Rule 17 of the Tamil Nadu Civil Services (Discipline and Appeal) Rules shall have to be followed. In support of his contention, he has also placed reliance on Class-(d) of Rule 8 of the Rules.

8. A perusal of the translated copy of the charge memo placed before this Court would indicate that there is nothing to say that any corruption charges are levelled against the petitioner herein. In the light of the above, the learned Senior Counsel for the petitioner contended that TDP absolutely has no authority to frame charges in respect of the charges that are now levelled against the petitioner.



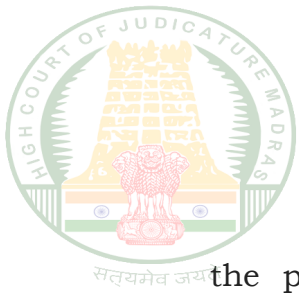
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9. On the other hand, Mr.S.Shaji Bino, learned Special Government Pleader appearing for the respondents submits that in terms of Rule 8(a)(i) of the Rules, TDP has got every power to frame charges against the petitioner and the charges are rightly framed by the second respondent. He also placed reliance on paragraph 87 of the Vigilance Manual and contended that the charges that are levelled against the petitioner herein would definitely fall within the scope of paragraph 87 of the Vigilance Manual.

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

11. A combined reading of all the Rules dealing with the procedure to be followed by TDP would suggest that different procedures are provided in respect of the corruption charges and the corruption charges combined with other charges. The procedure was laid down under 8(a)(i) of the Rules. In terms of the said Rule, as soon as the records relating to allegations of corruption or corruption combined with other charges against a Government servant are received, TDP shall frame appropriate charges, communicate them to



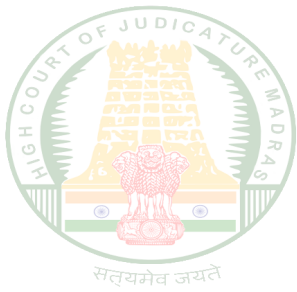
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the persons charged, together with list of witnesses likely to be examined in respect of each of the charges, the copies of the complaints made by the complainants, the copies of the statements taken from the witnesses which form the basis to frame charges against the Government servant with information as to date and place of enquiry need to be informed to the delinquent. A further procedure that is required to be followed during the course of enquiry is also provided under the said Rule.

12. As seen from the Class-(d) of the said Rule 8 in regard to the procedure to be followed in cases other than those of corruption or in regard to any other matter in which no specific provision has been made in the Rules, the provisions of the Tamil Nadu Civil Services (Discipline and Appeal) Rules shall apply. For better appreciation, the Rule 8(a) to 8(d) are extracted as under:

8. (a)(i) Notwithstanding anything contained in rule 17 of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, the following procedure shall be adopted by the Tribunal in conducting enquiries in cases of corruption and also in cases of corruption combined with other charges. As soon as the records relating to allegations of corruption or of corruption combined with other charges against a Government servant are received, the Tribunal shall frame

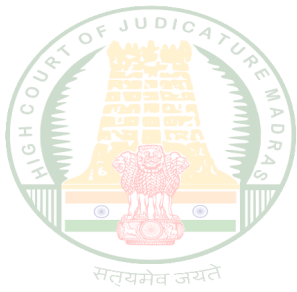


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appropriate charges, communicate them to the person charged together with list of witnesses likely to be examined in respect of each of the charges, copies of the complaints made by the complainants, copies of statements taken from the witnesses which form the basis on which the Tribunal has framed the charge or charges against him and with information as to the date and place of enquiry. At the enquiry, oral and documentary evidence shall be first adduced by the prosecution and person charged shall be entitled to cross-examine the prosecution witnesses and to explain any documents produced by the prosecution. The person charged shall thereafter, within the time allowed by the Tribunal, file a written statement of his defence along with a list of witnesses whom he wishes to examine, stating the points on which he proposes to examine each of them, 6 provided that he need not so specify the points for examination in his own case, when he wishes to examine himself as well. The oral and documentary evidence on his side shall then be adduced. After the enquiry is completed, the Tribunal shall hear the Prosecutor for Disciplinary Proceedings and the person charged or permit them to file the written briefs of their respective cases, if they so desire. A copy of the written brief, if submitted by the Prosecutor for Disciplinary Proceedings, shall be served on the person charged, before he is required to submit his reply written brief. The Tribunal shall, as far as possible, observe the basic rules of evidence relating to the examination of witnesses and the marking of documents. (ii) For sufficient reasons to be recorded in writing, the Tribunal shall have power to refuse to call a witness on either side, or to



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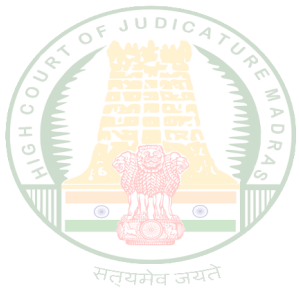
summon, and examine any further witnesses, or to call for, and exhibit any further documents. The proceedings of the Tribunal shall contain a sufficient record of the evidence.

(b) Where the officer concerned has absconded or where it is for other reasons impracticable to communicate with him or where he does not take part in an enquiry, the enquiry shall still proceed.

(c) All or any of the provisions of sub-rule (a) may, in exceptional cases, for special and sufficient reasons to be recorded in writing, be waived by the Tribunal where there is difficulty in observing the requirements of that sub-rule and the requirements can be waived without injustice to the person charged.

(d) The provisions of the Tamil Nadu Civil Services (Discipline and Appeal) Rules shall apply - (i) in regard to the procedure to be followed in cases other than those of corruption; and (ii) in regard to any other matter for which no specific provision has been made in these rules.

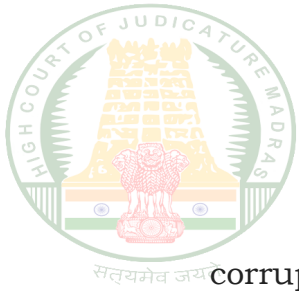
13. From the above, it is evident that in respect of corruption charges or the corruption charges combined with other charges, a different procedure is directed to be followed as provided under Rule 8(a)(i) of the Rules. In respect of other charges not involving corruption, the procedure that was provided under the Tamil Nadu Civil Services(Discipline and Appeal) Rules are directed to be followed.



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14. From a perusal of the impugned charge memo, there is nothing to indicate that there are any allegations of corruption levelled against the petitioner herein. Therefore, as already noted above, it is only in respect of the charges of corruption and corruption combined with other charges alone, TDP is conferred with jurisdiction to frame charges and then proceed further to conduct an enquiry into the matter. In respect of all other charges not involving the charges of corruption, the procedure under Rule 17 of the Tamil Nadu Civil Services (Discipline and Appeal) Rules is required to be followed which contemplate issuance of a charge memo, calling for explanation and in case of denial of the charges appointing an enquiry officer etc. conducting an oral enquiry whether asked for or not. The disciplinary authority alone is competent to frame charges and then call for an explanation from the delinquent employee and if the charges are denied then the disciplinary authority may proceed to appoint an enquiry officer or conduct enquiry by itself and then proceed as per the procedure provided under Rule 17 of the Tamil Nadu Civil Services (Discipline and Appeal) Rules. Thus, it is evident that in all other cases other than corruption, it is clear that altogether a different procedure is contemplated under Rule 17. But, in the instant case, though the impugned charges do not have any allegation of



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corruption, the second respondent itself framed the charges and called upon the petitioner to submit his explanation. From the detailed analysis of the Rule 8(a)(i) it is amply clear that TDP has got jurisdiction to frame charges only in respect of the charges of corruption and charges of corruption combined with other charges. In the absence of corruption charges, TDP will have no jurisdiction to frame charges.

15. In the circumstances and taking into consideration the contents of the impugned charge memo where corruption charges are conspicuously absent, this Court is of the considered view that the second respondent has no jurisdiction to frame charges against the petitioner. On this short ground alone, the impugned charge memo is liable to be quashed and accordingly, the same is hereby quashed. Accordingly, the writ petition is allowed. However, it is made clear that this will not come in the way of the disciplinary authority to initiate appropriate proceedings against the petitioner strictly in accordance with law.

16. In the light of the conclusion arrived at in W.P(MD)No. 27685 of 2024, the impugned charge memos in the other writ



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petitions are also hereby quashed, however, leaving it open to the respondents to initiate appropriate proceedings against the petitioner strictly in accordance with law. No costs. Consequently, connected miscellaneous petitions are closed.

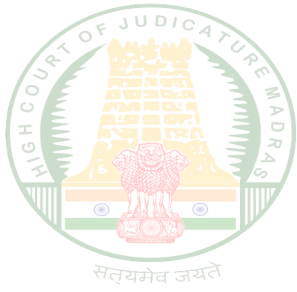
29.04.2026

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

To,

1. The Secretary to Government,
Rural Development Department and Panchayat Raj Department,
Fort St.George,
Chennai - 09.

2. The Commissioner,
Tribunal For Disciplinary Proceedings,
1st Floor, Old Collectorate Building,
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MUMMINENI SUDHEER KUMAR,J

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