

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-07-2026

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THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

W.A.No.1911 of 2026 AND
C.M.P.Nos.16976, 16980 and 16984 of 2026

Mallika

... Appellant

-VS-

1. The District Educational Officer,
Office of the District Educational Officer,
Dharmapuri - 638 501.
2. The Block Educational Officer,
Office of the Block Educational Officer,
Nallampalli, Dharmapuri.

... Respondents

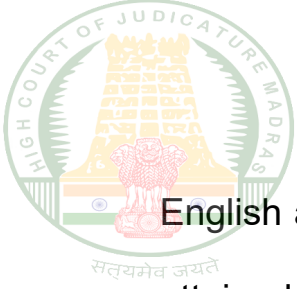
Prayer: To set aside the order passed by the Hon'ble Court in W.P.No.41622 of 2025 dated 06.11.2025 and thereby 1st Respondent proceedings vide Na.Ka.No.3665/A6/2025 dated 24.10.2025 pertaining to disciplinary proceedings against the appellant, consequently direct the respondents to disburse the retirement benefits.

For Appellant:	Mr.P.Saravanan
For Respondents:	Dr.R.Gouri, Govt. Counsel

J U D G M E N T

(Judgment of the Court was delivered by S.M.Subramaniam,J.)

The present Writ Appeal has been instituted, challenging Writ Order dated 06.11.2025 passed in W.P.No.41622 of 2025. Writ Petitioner is the appellant before this Court.



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2. Appellant served as Graduate Teacher (BT Assistant) in English at Government PUMS, Nadappanahalli, Dharmapuri District and attained the age of superannuation on 31.05.2025, but not allowed to retire from service and placed under suspension on the ground that a criminal case in C.C.No.14 of 2018 under Section 138 of Negotiable Instruments Act was pending. On completion of trial, appellant was convicted and sentenced to undergo four months simple imprisonment and to pay a compensation of Rs.2,90,000/- within two months. Appellant preferred Criminal Appeal and the said appeal was dismissed, by confirming the order of conviction passed by Trial Court. Thereafter, appellant preferred Criminal Revision Petition before High Court, which was allowed and she was acquitted.

3. Learned counsel for the appellant would mainly contend that Departmental Disciplinary Proceedings were initiated and charge memo came to be issued. During pendency of Departmental Disciplinary Proceedings, the Criminal Revision Petition came to be allowed. Therefore, Departmental Disciplinary Proceedings ought to be concluded at the earliest point of time.

4. Governing principles in Departmental Disciplinary Proceedings against Government Servants are;



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i) procedures to be followed in criminal case and departmental disciplinary proceedings are distinct and different;

ii) strict proof is required to convict a person in criminal case, but, no such strict evidence is required to punish a Government employee under Discipline & Appeal Rules;

iii) acquittal in criminal case is not a ground to seek exoneration from Departmental Disciplinary Proceedings;

iv) preponderance of probabilities are sufficient to punish an employee under the Conduct Rules;

5. Judgment in criminal case is not dependent on Departmental Disciplinary Proceedings. Even in case of an order of acquittal, Department is empowered to independently conduct domestic enquiry and take a decision on merits and in accordance with law. Therefore, an order of acquittal *per se* would not constitute a ground to seek exoneration from Departmental Disciplinary Proceedings.

6. In the present case, Departmental Disciplinary Proceedings initiated against appellant is pending. Learned Government Counsel appearing for the respondents would submit that Departmental Disciplinary Proceedings would be concluded as expeditiously as possible.



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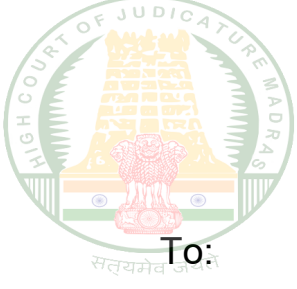
7. In view of the said submission, respondents shall initiate all appropriate actions to ensure that Departmental Disciplinary Proceedings initiated are concluded as expeditiously as possible. In the present case, Writ Petition had been filed, challenging the order of suspension. Since the appellant was placed under suspension on the eve of her superannuation and her services were extended under Fundamental Rules, revocation of suspension would not arise at all. Only after passing final order in the Departmental Disciplinary Proceedings, appropriate final order is to be passed on merits and in accordance with law. Thus, Writ Court is right in dismissing the petition in respect of challenge made against the order of suspension.

With the above observations, Writ Appeal stands dismissed.

No costs. Consequently, connected Miscellaneous Petition are closed.

(S.M.S.,J.) (N.S.,J.)
22-07-2026

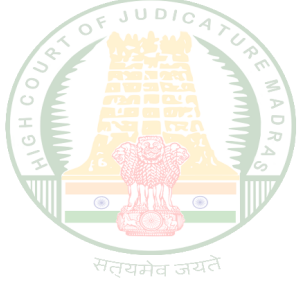
Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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To:

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S.M.SUBRAMANIAM,J.
AND
N.SENTHILKUMAR,J.
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