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WA.Nos.2053 & 2055 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

<i>Reserved on</i>	18.08.2026
<i>Pronounced on</i>	21/8/2026

CORAM:

**THE HON'BLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR. JUSTICE KRISHNASWAMY GOVINDARAJAN**

WA.Nos.2053 & 2055 of 2024
and CMP.No.14588, 14589 & 14591 of 2024

1. The Principal Secretary and
Commissioner of Backward Classes,
Welfare Department, Chepauk, Chennai – 5.

2. The District Collector,
Kanyakumari District.

..Appellants in both
WAs

Vs.

S.Mohana Jeha (Deceased)

1. J.Joe Prakash

2. J.Jeena Prakash

..Respondents in
WA.No.2053/2024

M.Packialekshmi

..Respondent in
WA.No.2055/2024

Common Prayer: Writ Appeals filed under Clause 15 of Letters Patent, praying to set aside the common order dated 17.03.2023 made in WP.Nos.2145 & 2146 of 2015.



WA.Nos.2053 & 2055 of 2024

(In both WAs)

For Appellant(s): Mr.A.R.Suresh,
Special Government Pleader

For Respondent(s): Mr.P.Muthusamy for
Mr.S.Suganth Sam Abraham

COMMON JUDGMENT

Krishnaswamy Govindarajan, J.

The present writ appeals have been filed seeking to set aside the common order dated 17.03.2023 passed in W.P.Nos.2145 & 2146 of 2015. These writ petitions were originally filed challenging the award of punishment of removal from service dated 07.01.2014, as well as the consequential order dated 17.12.2014 passed in appeal by the first respondent/first appellant herein, which rejected the appeal petition. The petitioners consequently sought a direction to the respondents/appellants herein to regularize the petitioners/respondents' period of out of employment from 07.01.2014 until the date of conferring a posting, treating it as duty for all purposes, and to confer all attendant and consequential benefits with due regard to the petitioners/respondents' seniority.



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2. A common order was passed by the learned Single Judge setting aside the impugned orders dated 07.01.2014 and 17.12.2014, which also granted the relief of consequential and attendant benefits to the writ petitioners. Aggrieved by the said order passed in the writ petitions, the State has filed the present writ appeals.

3. The case of the petitioners/respondents herein is that they were both employed as Matrons in the Government Backward Classes School Girls Hostels at Kollengode and Kuzhithurai, respectively. They were issued with separate Charge Memos by the District Collector on 12.03.2013. The charges stated that they had paid bribes of Rs.1,500/- and Rs.1,000/- respectively to one Mr.Ganapathy, Warden, Government Backward Classes Hostel, on 07.02.2011, thereby violating Rule 20(1) of the Government Servants Conduct Rules. On that basis, three counts of charges were framed and explanations were called for from the writ petitioners.

4. The writ petitioners submitted their explanations denying the charges on 28.03.2013. However, the District Collector found the charges to



be proved and passed an order of removal.

5. The State filed a detailed counter-affidavit in the writ petitions, claiming that the charges are serious in nature, sufficient reasons were given in the impugned order, and there is absolutely no need to interfere.

6. The learned Single Judge after hearing both sides, observed as under in paragraph 11:

..... “11. It is also noted that for the same occurrence, charges were framed against Mr.Ganapathy by the 2nd respondent on 20.01.2012 and he was also been placed under suspension and only when enquiry was pending against him, these petitioners were issued with the charge memo after more than a year. But the said Mr.Ganapathy was awarded with the punishment of compulsory retirement from service since he reached the age of superannuation as per order dated 5.11.2017 of the 2nd respondent whereas the petitioners were awarded with the punishment of removal from service on 7.1.2014 itself, well before passing of the punishment order against Mr.Ganapathy, which would show that there is discrimination. Nothing was established against the petitioners as no one was examined and no material evidence was relied on in



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enquiry to prove the charges. The appellate authority did not consider whether the findings of the enquiry officer is valid and whether any material evidence and documents are available to hold the charge as proved and whether the disciplinary authority considered the points raised by the delinquent in the further representation and whether reasonable opportunity was given to the delinquent etc. The appellate authority, without considering all these aspects, rejected the appeal filed by the petitioners, by simply stating that no new reasons have been stated and held the charges as proved.....”

7. We heard the arguments of Mr.A.R.Suresh, learned Special Government Pleader, appearing on behalf of the appellants and Mr.P.Muthusamy, learned counsel appearing on behalf of the respondents.

8. In the counter-affidavit filed in the writ petitions, the appellants submitted as under:

“that during the time of surprise enquiry of the Vigilance and Anti Corruption Police team on 7.2.2011 in the office of the District Backward Classes & Minorities welfare office, Nagercoil, the writ petitioner had given a statement stating that she had given a sum of



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Rs.1000/- to Thiru.K.Ganapathy Warden, Aralvoimozhy which has to be given to the office of District Backward Classes & Minorities welfare office, to meet out the expenses related to the private driver who is working in this office, that such amount was given on 07.02.2011, that every month this amount will be given and that a total unaccounted amount of Rs.11025/- was seized from Thiru. Ganapathy, warden, Aralvaimozhy by the Vigilance and Anti corruption team during their surprise visit.

It is submitted that it is an afterthought about the amount of Rs.1000/- was given to Mr.Ganapathy was to meet out the expenses of marriage fixed on 21.02.2011 so as to purchase gift articles to present to Mrs.N.Saraswathy, Matron's son marriage which was fixed to conduct on 21.02.2011 and also to other incidental charges, to be spent by the association. Hence it is proved beyond any doubt that as stated in supra and as per the statement given by the writ petitioner before the Vigilance and Anti corruption team, the said amount of Rs.1000/-given to Mr.Ganapathy is a bribe act. Hence the explanation given by the writ petitioner for the charge levelled against her was not acceptable and hence the Collector, Nagercoil had taken a decision that the said amount of Rs.1000/- given to Mr.Ganapathy on 07.02.2011 is a bribe one and not to meet out the gift purchase towards the marriage of Mrs.N.Saraswathy, warden's son to be conducted on 21-02-2011.



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It is also submitted that the Personal Assistant(G) to Collector Welfare was appointed as Inquiry Officer, who in turn conducted enquiry thoroughly based on charge memo and other witnesses and other statement given by the writ petitioner and others before the Vigilance and Anti corruption team. There was nothing happened to threat the writ petitioner forcibly to sign in the statement as contended to.”

Therefore, the charges against the respondents herein are grievous, and setting them aside in their entirety goes against legal principles and service jurisprudence. The appellants pray that the writ appeals be allowed.

9. On the other hand, the learned counsel appearing for the respondents submitted that there was a discrepancy between the punishment imposed on Mr.Ganapathy and that imposed on the respondents. While more serious charges against Mr.Ganapathy resulted in a punishment of compulsory retirement, the appellants imposed the harsher penalty of dismissal/removal from service on the respondents.

10. There is no dispute that the respondents are subordinates to the said Mr.Ganapathy, who is the Warden of the hostel. When all three individuals



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faced similar charges, the Disciplinary Authority provided absolutely no reason for imposing different types of punishments.

11. Even though the learned Single Judge allowed the writ petitions in their entirety, we feel that the respondents herein cannot be allowed to escape from charges that have been proved.

12. Insofar as Mr.Ganapathy is concerned, he was imposed with the penalty of compulsory retirement, whereas the respondents herein were dismissed from service. There is no dispute that the respondents are subordinates to Mr.Ganapathy. When all three persons are facing similar charges, no reasons were given by the Disciplinary Authority as to why different punishments were awarded.

13. While we note that the learned Single Judge allowed the writ petitions completely, we hold that the respondents in this appeal cannot be allowed to escape from the charges proved against them.



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14. In view of the same, we modify the order of the learned Single Judge by setting aside the orders dated 07.01.2014 and 17.12.2014. Further, the second appellant/District Collector, is directed to issue a fresh notice to the respondents, provide them with an opportunity to be heard, and pass a fresh order after considering their case in consonance with the punishment imposed on Mr.Ganapathy. The second appellant/the District Collector, is directed to complete this exercise within a period of twelve (12) weeks from the date of receipt of a copy of this order.

15. To the extent stated above, these writ appeals are disposed of. No costs. Connected miscellaneous petitions are closed.

(S.M.S.,J.) (K.G.R.,J.)
21-08-2026

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

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common judgment
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