

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-06-2026

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

W.A.No.1451 of 2024

T.Enayathullah

... Appellant

-VS-

- a) NIC India Ltd.,
Rep. by its Managing Director,
No.135, EVR Periyar High Road,
Kilpauk, Chennai - 600 010.
- b) The Appellate Authority,
NLC India Ltd.,
Rep. by its DGM/can.vul/Mine -II,
Office of the Chief General Manager,
Mine - II, Neyveli,\n
Cuddalore District - 607 802.
- c) The Disciplinary Authority
NLC India Ltd.,
Office of the Chief General Manager,
Mine-II, Neyveli,
Cuddalore District 607 802.

... Respondents

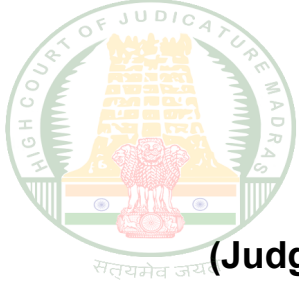
Prayer: To set aside the order of learned Judge passed in W.P.No.728 of 2021 dated 01.12.2023.

For Appellant:

Mrs.Karthikaa Ashok

For Respondents:

Mr.N.Nithianandam



J U D G M E N T

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

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The present Intra Court Appeal has been instituted to assail Writ Order dated 01.12.2023 passed in W.P.No.728 of 2021. Writ Petitioner is the Appellant before this Court.

2. Appellant was holding the post of SG Master Operator in Neyveli Lignite Corporation (NLC). Appellant involved in a criminal case registered in Crime No.218 of 2018 under Sections 294(b) and 506(2) IPC. Since Appellant failed to inform competent authority about registration of criminal case, departmental disciplinary proceedings have been initiated under the Conduct Rules. A Charge Memo was issued to appellant on 09.08.2018. After affording opportunity to Delinquent Officer, an Enquiry Officer was appointed, who in turn conducted enquiry and submitted his final report. Charges were held proved and findings of Enquiry Officer were accepted by Disciplinary Authority and final order in the disciplinary proceedings was issued on 09.11.2018, imposing punishment of reduction of basic pay by one stage for a period of six months.

3. Pertinently, during the course of enquiry, Appellant himself admitted the charges at the beginning of enquiry itself and realized his



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mistake and assured that he will not repeat such mistake in future. Thus, guilt has been accepted by Delinquent Officer before Enquiry Officer.

Appellant preferred appeal and Appellate Authority vide proceedings dated 13.02.2019 rejected the appeal.

4. Learned counsel for the appellant would mainly contend that act of the appellant in not informing registration of criminal case to competent authority would not fall under the definition of misconduct under Conduct Rules. She would further submit that reasons given by Disciplinary Authority and Appellate Authority are contradictory and relevant provisions are not quoted in the orders. Thus, Writ Court would have considered this point.

5. Learned counsel for the respondents would oppose, by stating that procedures as contemplated under Rules were scrupulously followed. After affording opportunity to Delinquent Officer, punishment was imposed. Appellant retired from service in the year 2019 and he filed Writ Petition after a lapse of two years from the date of retirement. He also received all terminal benefits. That being so, Writ Court rightly rejected the writ petition.

6. This Court has considered the rival submissions made between parties to the *lis*.



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7. In the present case, charge memo was issued, opportunities were afforded to Delinquent Officer and before Enquiry Officer, Appellant admitted the guilt. Based on that, enquiry report was submitted and Disciplinary Authority, by accepting the findings of Enquiry Officer, imposed penalty of reduction of basic pay by one stage for a period of six months. The said order was confirmed by Appellate Authority.

8. Regarding contention of appellant that, the act of Appellant would not fall under the definition of misconduct, Rule 26 (i) of Conduct Rules applicable to employees of NLC stipulates that " Wilful insubordination or disobedience, whether or not in combination with others, or any lawful and reasonable order of his superior, or commission of any acts subversive of discipline or of good behaviour". Broad definition has been provided under Rules so as to cover several misdeeds, omissions and commission of employees working in NLC.

9. Registration of criminal case would impact the service of employee and therefore, suppressing the fact regarding registration of criminal case is an act of omission, which was made intentionally by employee. An employee involving in a criminal case itself is a misconduct and not providing information to employer is consequential misconduct, since it cannot be construed as "Good Behaviour", as contemplated under Rule 26(1) of the Conduct Rules. The said general



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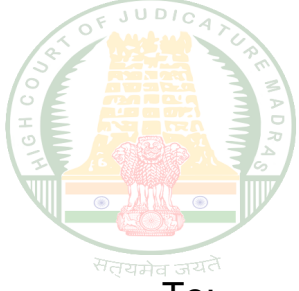
terms are used under Conduct Rules so as to cover several misdeeds and conduct of employees during their course of employment and outside Office. A Public servant is expected to behave properly both inside and outside Office. This being the expected conduct of public servant, any criminal case registered outside the purview of job is also to be intimated to employer. However, the employer at his discretion may initiate appropriate action or drop further proceedings, considering the gravity of allegations or nature of allegations levelled against employee. Mere registration of criminal case may not be a ground to institute proceedings and it is to be decided by competent authority on case to case basis.

10. In respect of non-quoting of provisions, legal position is that non quoting of provisions *per se* would not vitiate the proceedings. That being the principle settled, this Court does not find any infirmity in respect of the order impugned.

Consequently, the present Writ Appeal stands dismissed. No costs.

(S.M.S.,J.) (N.S.,J.)
30-06-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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S.M.SUBRAMANIAM,J.
AND
N.SENTHILKUMAR,J.
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