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WP No. 20198 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 28-07-2026

PRONOUNCED ON : 06-08-2026

CORAM

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

WP No. 20198 of 2025

AND

WMP NO. 22771 OF 2025

S.Shanthi,

..Petitioner(s)

Vs

1. The Secretary
Adi Dravidar And Tribal Welfare Department,
Government Of Tamil Nadu, Fort St. George,
Chennai 600 009.
2. The Deputy Secretary
TN Public Service Commission, TNPSC Road
Chennai 600 003
3. The Enquiry Officer / The Commissioner
Tribunal For Disciplinary Proceedings,
Government Of Tamil Nadu, Chennai 600 009
4. Arun Thamburaj
Presently Employed As The Mission Director,
The National Health Mission Tamil Nadu, 4th
Floor, Dms Annex Building, Teynampet,
Chennai 600 006

..Respondent(s)

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus Calling upon the records of the 1st Respondent in terms of proceedings Mea. Du. No E2/ 4840 / 2018 and G.O (P) No. 137 dated 20.05.2025, Adi-dravidar and Scheduled Tribes Welfare Department and quash the same, and consequently direct the 1st



Respondent to reinstate the petitioner with full backwages, continuity in service and other attendant service benefits.

For Petitioner(s):

Mr.G.Gankaran, Senior Counsel for
Mr..S.Bharathirajan

For Respondent(s):

Mr. K.Sathish, Government Advocate For R1.

Mr.K.Karthik Jaganathan Standing Counsel
(TNPSC) For R2.

R3 and R4 – No appearance.

ORDER

The above Writ Petition has been filed seeking to quash the impugned order passed by the 1st respondent dated 20.05.2025 and consequently direct the 1st respondent to reinstate the petitioner with full backwages, continuity in service and other attendant service benefits.

The short facts of the case are as follows:-

2. The petitioner, while serving as a Trainee Tahsildar in Uthiramerur Taluk, invited applications for filling up 11 posts of Village Assistants pursuant to the proceedings of the District Collector. The petitioner would submit that the 4th respondent who was her immediate higher superior had been targeting her after she had refused to accede to his request to evict one Subbiah at Thirupullivanam without issuance of any notice in respect of the property



allegedly occupied by him. She had informed the 4th respondent that being a trainee Tahsildar she would require a written order of the 4th respondent in this regard. This request had infuriated the 4th respondent and therefore he was hell bent on taking some action against her.

3. With reference to the aforesaid recruitment, the 4th respondent insisted that the selection process be completed by the petitioner in her capacity as the Tahsildar, Uthiramerur Taluk. Accordingly, the petitioner had issued a paper advertisement and requested the employment exchange to forward the list of eligible candidates. Thereafter, she prepared a list of all the candidates who had applied for the aforesaid posts. In all there were 283 applicants. Subsequently, she constituted a Selection Committee comprising the staff of the Tahsildar's Office for the purpose of selecting 11 candidates for appointment as Village Assistants from among the applicants. The Selection Committee consisted of the Special Tahsildar, Social Security Scheme, the Chief Supervisor, and the petitioner. At the relevant point of time, the posts of Special Tahsildar, Social Security Scheme and Chief Supervisor were held by Ms. Akila Devi and Mr. Charan, respectively.

4. The petitioner's further case is that she, along with the other two members of the Selection Committee, conducted oral interviews on 10.11.2016 and 17.11.2016 for the candidates who had qualified in the written examination.



She would state that the interview was conducted in a fair and transparent manner. Thereafter, the list of selected candidates was prepared by the petitioner in consultation with the other two members of the Selection Committee and was placed before the 4th respondent for his approval. Upon his concurrence and approval, the list of selected candidates appointed as Village Assistants was published on 21.11.2016. Immediately thereafter, the selected candidates assumed charge of their respective posts.

5. The petitioner's training period as a trainee Tahsildar at Uthiramerur Taluk concluded on 31.01.2017 and she was relieved and appointed in her parent Department, namely, the Adi Dravidar Welfare Department Directorate as Superintendent at Chennai.

6. Thereafter, the petitioner came to learn that the 4th respondent on the very day when she was relieved from Uthiramerur Taluk had suo motu called all the 11 Village Assistants appointed by the petitioner for an enquiry at the late hours of 9 p.m. This enquiry was conducted behind the petitioner's back. The 4th respondent had thereafter pressurised these persons into giving a statement that the petitioner and one Arul, the then Village Assistant in the Tahsildar Office, Uthiramerur Taluk, had demanded illegal gratification from them. In fact, she came to learn that the 4th respondent had threatened these persons by stating that their services would be terminated if they did not give



the statement as required. Out of the 11 Village Assistants, 8 allegedly gave statements against the petitioner under threat. Based on these statements, disciplinary proceedings were initiated against the petitioner, and a charge memo was issued to her. These proceedings were initiated at the behest of the 4th respondent without intimating or obtaining the approval of the District Collector.

7. The 4th respondent after recording the statements of the 8 witnesses, forwarded the same to the Directorate of Vigilance and Anti Corruption Department (DVAC). Thereafter, the Inspector of Police, DVAC, conducted an investigation and allegedly, by using coercive methods, once again recorded the statements of the witnesses.

8. The petitioner would submit that no formal complaint had been lodged and no FIR had been registered against her. Thereafter, the report collected by the Inspector of Police, DVAC was forwarded to the Government and the Government in terms of Letter (M.S.) No. 315 dated 28.09.2019, had referred the matter to be enquired by the 3rd respondent. All of these acts were done behind the back of the petitioner and the other co-accused, the said Arul.

9. Subsequently, the 3rd respondent had framed charges against the petitioner and the said Arul. A reading of the charges would indicate that the



same has been proceeded on the footing that the petitioner and the said Arul had demanded illegal gratification for appointing 11 Village Assistants. In fact, the allegation in the charge was not that the petitioner and the other co-accused had demanded bribe at the time of appointment, but that the alleged bribe was demanded after the appointment by stating that the appointments had been made only on account of the petitioner and the said Arul. Therefore, the charge relates to an alleged demand for bribe two months after the appointment.

10. The second charge framed against the petitioner is that she had diverted the work of one A. Bharathi to the said N.Arul. The petitioner would submit that the second charge is unsustainable as the said A. Bharathi was deputed to undergo Land Tax Training and, upon completion of the training, was posted to the Office of the District Collector within three days of rejoining duty.

11. It is also the case of the petitioner that all the documents relied upon in the charge memo were not served on her, despite which she had participated in the enquiry. The prosecution had not filed any document to substantiate the charges framed against the petitioner. They had examined 18 witnesses, including the 11 candidates appointed as Village Assistants, and marked 33 documents. The 8 witnesses, who had given statements based on which the charge memo was made that the petitioner and the said Arul had demanded and



accepted bribe, had clearly stated that no demand was made and that no payment was given. All of them deposed that the enquiry conducted by the 4th respondent took place at 10.00 p.m. They had also deposed that they had signed the papers, the contents of which were dictated by the officials, and that their signatures were obtained under threat. The 4th respondent was also examined as P.W.17.

12. The petitioner would further submit that, in order to foist a case against her, the prosecution had relied upon totally unconnected loan documents of some of these witnesses to show that bribe had been received by the petitioner. Despite these statements of the witnesses, the Enquiry Officer proceeded to hold the charges proved, and the 1st respondent, without independently applying his mind, dismissed the petitioner from service. Aggrieved by the same, the petitioner is before this Court.

13. A counter affidavit has been filed by the 1st and 2nd respondents. In the counter filed by the 1st respondent, it is stated that the Government imposed punishment on the proved charges after obtaining the views of the Tamil Nadu Public Service Commission under Regulation 18(1)(b)(4) of the Tamil Nadu Public Service Commission Regulations.

14. The 1st respondent would assail the contents of the affidavit filed in



support of the Writ Petition by stating that the petitioner had committed certain irregularities in the process of appointing 11 Village Assistants and that 8 of them had given statements to the effect that the petitioner and the said Arul, (formerly Assistant), had demanded a bribe to the tune of Rs.15,55,000/-. On receipt of the written complaint, the 4th respondent had forwarded the same to the Directorate of Anti Corruption and Vigilance and the State Vigilance Commission. After completion of the investigation, the complaint was forwarded to the Government. Thereafter, by G.O.No.315 dated 29.08.2019, the 3rd respondent was directed to conduct an enquiry into the matter. The 3rd respondent, after conducting a detailed enquiry, held that the charges against the petitioner and the said Arul stood proved, pursuant to which the disciplinary authority had terminated the services of the petitioner.

15. The 1st respondent would further state that 8 Village Assistants had given written complaints stating that the petitioner and the said Arul had demanded bribe and that these statements were marked as exhibits. Apart from the same, the loan/mortgage documents were also marked, which, according to the respondents, would establish that the said candidates had borrowed money for the purpose of paying the petitioner and the said Arul. Therefore, it is their contention that, since the procedure has been followed and the charges have been proved, no exception can be taken to the impugned order.



16. The submissions of the learned Senior Counsel, Mr. G. Sankaran, appearing on behalf of the petitioner, are as follows:

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a. The entire proceedings in nothing but witch-hunting by the 4th respondent.

b. There is no proof to establish that the bribe was either demanded or received by the petitioner. The statements based on which the proceedings were initiated have been denied by the signatories themselves, who have deposed that they were coerced and forced to sign the said statements.

c. The 4th respondent had acted on his own and had neither sought the approval nor obtained the permission of the District Collector and therefore the entire proceedings smacks of malafides.

17. He would rely upon the following judgments in support of his case.

(i) (2022) 13 SCC 329 – United Bank of India Vs. Biswanath Bhattacharjee.

(ii) (2013) 4 SCC 301 – Nirmala Jhala Vs. State of Gujarat and Another.

(iii) (2009) 2 SCC 570 – Roop Singh Negi Vs. Punjab National Bank and Others.

(iv) (1996) 11 SCC 600 – Orissa Mining Corporation and Another Vs. Ananda Chandra Prusty



(v) (2006) 5 SCC 88 – *M.V.Bijlani Vs. Union of India and Others*.

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18. Per contra, the learned Government Advocate would contend that the impugned order has been passed after a detailed consideration of the evidence available on record. He would submit that, in the case of departmental proceedings, strict proof is not required and that it would suffice if the charges are established on the basis of the preponderance of probabilities. He would further submit that the statements originally given by the 8 selected Village Assistants, clearly establish that the petitioner and the said Arul were guilty of demanding and accepting bribe.

19. He would also draw the attention of this Court to the various bank statements, loan documents, and mortgage deeds, which, according to him, would clearly establish that the witnesses had borrowed money for the purpose of paying the bribe to the petitioner and the said Arul.

20. In support of his case, he would rely upon the judgment of the Hon'ble Supreme Court reported in *2026 SCC Online SC page 824 – State of Jharkhand and Others Vs. Ranjan Kumar and Others* and pray that the impugned order be confirmed.

21. Heard the learned counsel on either side and perused the records.



22. The charge against the petitioner and the said Arul are as follows:-

“ That, you (Accused Officer-1) while working as Tahsildar, Uthiramerur Taluk, Kancheepuram District and you (Accused Officer-2) while working as Assistant, Uthiramerur Taluk, Kancheepuram District, have actuated by corrupt motive and in abuse of your (Accused Officer's 1 & Accused Officer's 2) official position and authority, have connived with each other and having mutual understanding, have committed grave official misconduct and misdemeanour and failed to maintain integrity and devotion to duty as follows:-

1. During the years 2016 and 2017, (you Accused Officer-1 and Accused Officer-2) have demanded and accepted bribe money of Rs. 15,55,000/-(Rupees Fifteen Lakhs and Fiftyfive Thousand Only) from 8 Village Assistants for issuing their appointment order.

II. The A9 Establishment section dealing with the Appointment of Village Assistants in Uthiramerur Taluk Office was looked after by one Selvi.A. Bharathi and when she went on Land Tax Training from 27.07.2016 to 30.08.2016 at Orathanadu, you (Accused Officer-1) have entrusted the work of the said A9 section to you (Accused Officer-2) without passing any written order and even after the said Selvi. Bharathi joined duty on 31.08.2016 you (Accused Officer-1) did not pass any written incharge order for the said Selvi. Bharathi.



Thereby you (Accused Officer 1 and Accused Officer 2) have failed to maintain absolute integrity and devotion to duty and violated Rule 20 of the Tamil Nadu Government Servants' Conduct Rules 1973.”

23. The case of the respondent department is that the petitioner and the said Arul had demanded and accepted bribe from 8 of the Village Assistants who had been appointed, by stating that the petitioner and Arul were responsible for their appointments and that, if they failed to pay the bribe, their services would be terminated. The charge memo states that the demand was made between the period 2016 and 2017. However, in the evidence of PW.17, the time of the demand shifts to a period 2 months after the 11 persons were appointed.

24. The second charge framed against the petitioner is that she had not reinstated A. Bharathi, who had gone for Land Tax Training, upon her return and that she had posted the said Arul in her place.

25. Before dealing with the charges, it would be apposite to trace the events leading to the initiation of the proceedings.

26. Admittedly, on 31.01.2017, the 4th respondent had called all the 11



successful candidates, who were already 2 months into their respective seats, to the District Collector's Office at around 7.00 p.m., where an enquiry had taken place between 9.00 p.m. and 11.00 p.m. The witnesses were made to sign statements. Thereafter, the 4th respondent had referred the matter to the Tribunal for Disciplinary Proceedings, Government of Tamil Nadu.

27. The Tribunal thereafter directed the Inspector of Police, Vigilance and Anti-Corruption to conduct an enquiry and, upon receipt of the report, framed charges and referred the matter to the Government. This was followed by the appointment of the 3rd respondent as the Enquiry Officer. The proceedings commencing from the collection of statements by the 4th respondent till the submission of the report to the Government were all admittedly undertaken without the prior approval of the District Collector. In fact, the 4th respondent, while deposing as P.W.17, fairly admitted that he had not obtained any written approval from the District Collector; however, he stated that he had kept the District Collector informed.

28. The 4th respondent, as P.W.17, would submit that he had called the 11 successful candidates only upon receiving certain information. However, the source of information/complaint has not been elaborated by the 4th respondent. Therefore, prima facie, the initiation of the proceedings appears to be motivated. The reasons for arriving at such a conclusion are as follows:-



(a) The appointment orders had been issued to the 11 candidates only after the list was submitted by the petitioner and the other interviewers to the 4th respondent and upon his approval.

(b) After the selected candidates had put in two months of service, the 4th respondent initiated disciplinary action against the petitioner alleging that she had demanded bribe for their selection.

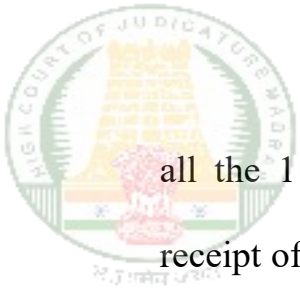
(c) The source of the information regarding the alleged demand and receipt of bribe has not been disclosed by the 4th respondent.

(d) The enquiry was conducted during the late hours between 9.00 p.m. and 10.00 p.m. There is no explanation as to why the 4th respondent had proceeded to conduct the enquiry at such late hours and why the same could not have been conducted during office hours.

(e) The approval/permission of the District Collector was not obtained by the 4th respondent before proceeding with the disciplinary proceedings against the petitioner and the other co-accused.

(f) The enquiry was conducted on the very same day on which the petitioner was relieved from the post.

29. The charge against the petitioner and the said Arul is that, two months after the appointment of the candidates, they had demanded a bribe. This Court is at a loss to understand as to why a person intending to demand bribe would wait until after the appointment to make such a demand. Further,



all the 11 witnesses, namely P.W.1 to P.W.11, have denied the demand or receipt of bribe. The 8 witnesses, whose statements have been made the fulcrum for the charge memo, have clearly deposed that the statements given by them both before the 4th respondent and the Inspector of Police, Vigilance and Anti-Corruption, were obtained under duress and coercion. They have in no uncertain terms stated that neither was a demand for illegal gratification made nor was it given. Once such a statement has been made, it is for the department to establish that there was no coercion or duress involved in the recording of the said statements.

30. The witnesses were all treated as hostile witnesses since they did not toe the line of the respondents.

31. The charge against the petitioner is not that she had conducted the selection without following the prescribed procedure, but that she had demanded bribe after the appointment orders were issued and the selected candidates had put in two months of service. The appointment of the 11 candidates was made after issuing due advertisement and by obtaining the list of candidates from the Employment Exchange. A written examination and oral interview were conducted. The list of the shortlisted candidates and their credentials was placed before the 4th respondent, the immediate superior of the petitioner and only after his approval the appointment orders were issued to the



successful candidates. In fact, P.W.13, one of the interviewers, had deposed that the entire selection process had been photographed and videographed.

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32. Such being the case, when the petitioner had shown transparency in the entire selection process, the allegation that she has subsequently demanded bribe appears rather far fetched and the same has also not been proved by the respondents. The enquiry officer has failed to take note of the evidence of the 4th respondent as PW.17 where he had admitted that no approval has been obtained from the District Collector before initiating the disciplinary proceedings against the petitioner. Further, the documents relied upon to establish that some of the selected candidates had borrowed money for the purpose of paying bribe are only loan documents and mortgage deeds, all of which relate to a period much prior to the alleged demand for illegal gratification. The witnesses had deposed that the said amounts were borrowed for their personal purposes. However, the Enquiry Officer proceeded to hold the charges proved against the petitioner only on the ground that P.W.14, an IAS officer, had deposed regarding the alleged receipt of illegal gratification. The enquiry officer appears to be acting in accordance with the saying that *"the king does no wrong."* The charge memo states the demand and acceptance of the bribe in between the years 2016 and 2017 but the deposing of PW.17 is that the demand was made 2 months after the appointment which implies that it was in the month of January 2017.



33. Even with regard to the second charge, the same has not been proved, inasmuch as the said A. Bharathi had clearly deposed that she had been deputed for training and that, within three days of her return from training, she had been posted back. Further, she has deposed that she returned to her original seat but was not allotted the work relating to the selection of the Village Assistants. She has also deposed that the petitioner had told her that since Arul was already involved in the process he would continue.

34. No doubt, the charges in departmental proceedings need not be proved beyond reasonable doubt, and it would suffice if the same are established on the basis of the preponderance of probabilities. However, in the instant case, even this requirement has not been satisfied.

35. The Enquiry Officer has arrived at a conclusion that the charges have been proved merely on the basis of the statement recorded by the 4th respondent and by the Inspector of Police. These statements were later denied by the witnesses and they have in unison stated that they were coerced into giving the evidence and the petitioner has neither demanded illegal gratification nor was it given. Once the witnesses have alleged coercion the department was bound to prove the contrary which they unfortunately have failed to prove.

36. The Hon'ble Supreme Court in the judgment reported in **(2009) 2**



SCC 570 – Roop Singh Negi Vs. Punjab National Bank and Others, discussed the evidentiary value of evidence collected during investigation and confession made at that time in para 14 and 15 as follows:-

“14. Indisputably, a departmental proceeding is a quasi judicial proceeding. The Enquiry Officer performs a quasi judicial function. The charges leveled against the delinquent officer must be found to have been proved. The enquiry officer has a duty to arrive at a finding upon taking into consideration the materials brought on record by the parties. The purported evidence collected during investigation by the Investigating Officer against all the accused by itself could not be treated to be evidence in the disciplinary proceeding. No witness was examined to prove the said documents. The management witnesses merely tendered the documents and did not prove the contents thereof. Reliance, inter alia, was placed by the Enquiry Officer on the FIR which could not have been treated as evidence.”

“15. We have noticed hereinbefore that the only basic evidence whereupon reliance has been placed by the Enquiry Officer was the purported confession made by the appellant before the police. According to the appellant, he was forced to sign on the said confession, as he was tortured in the police station. Appellant being an employee of the bank, the said confession should have been proved. Some evidence should have been brought on record to show that he had indulged in stealing the bank draft book. Admittedly, there was no



direct evidence. Even there was no indirect evidence. The tenor of the report demonstrates that the Enquiry Officer had made up his mind to find him guilty as otherwise he would not have proceeded on the basis that the offence was committed in such a manner that no evidence was left.”

37. Ultimately, the learned Judges observed as follows:-

“ 23. Furthermore, the order of the disciplinary authority as also the appellate authority are not supported by any reason. As the orders passed by them have severe civil consequences, appropriate reasons should have been assigned. If the enquiry officer had relied upon the confession made by the appellant, there was no reason as to why the order of discharge passed by the Criminal Court on the basis of self-same evidence should not have been taken into consideration. The materials brought on record pointing out the guilt are required to be proved. A decision must be arrived at on some evidence, which is legally admissible. The provisions of the Evidence Act may not be applicable in a departmental proceeding but the principles of natural justice are. As the report of the Enquiry Officer was based on merely ipse dixit as also surmises and conjectures, the same could not have been sustained. The inferences drawn by the Enquiry Officer apparently were not supported by any evidence. Suspicion, as is well known, however high may be, can under no circumstances be held to be a substitute for legal proof.”



38. In **(2013) 4 SCC 301 – Nirmala Jhala Vs. State of Gujarat and Another**, the Hon'ble Supreme Court had discussed the evidentiary value that should be attached to statement obtained during the preliminary enquiry behind the back of the charged officer and held as follows in para 42.

“42. A Constitution Bench of this Court in Amlendu Ghosh v. District Traffic Superintendent, North-Eastern Railway, Katiyar, held that the purpose of holding a preliminary inquiry in respect of a particular alleged misconduct is only for the purpose of finding a particular fact and prima facie, to know as to whether the alleged misconduct has been committed and on the basis of the findings recorded in preliminary inquiry, no order of punishment can be passed. It may be used only to take a view as to whether a regular disciplinary proceeding against the delinquent is required to be held.”

39. The learned Judges also go on to state that the preliminary enquiry is only to find out as to whether a prima facie case has been made out warranting departmental proceedings and this should not be confused with a regular enquiry.

40. The Hon'ble Supreme Court in the case of **(2022) 13 SCC 329 – United Bank of India Vs. Biswanath Bhattacharjee**, has laid down that when it is proved that the punishment imposed after a departmental enquiry was one where there is no evidence, in such a case the High Court can entertain a



challenge to the same under Article 226 of the Constitution of India. The confessional statement given to the police which formed the basis for the punishment has been discussed as follows in para 26:-

“26. This court previously had an occasion to deal with a departmental proceeding that culminated in a penalty, where the enquiry was based on the confessional statements made to the police and no other material. The court, in Roop Singh Negi v. Punjab National Bank held such evidence to be inadequate:

“15. We have noticed hereinbefore that the only basic evidence whereupon reliance has been placed by the enquiry officer was the purported confession made by the appellant before the police. According to the appellant, he was forced to sign on the said confession, as he was tortured in the police station. The appellant being an employee of the Bank, the said confession should have been proved. Some evidence should have been brought on record to show that he had indulged in stealing the bank draft book. Admittedly, there was no direct evidence. Even there was no indirect evidence. The tenor of the report demonstrates that the enquiry officer had made up his mind to find him guilty as otherwise he would not have proceeded on the basis that the offence was committed in such a manner that no evidence was left.”

Further, the power of the High Court to question and set aside the conclusion reached in a departmental enquiry has been held as follows in the judgment of the Hon’ble Supreme Court in the case of **Union of India Vs. H.C.Goel - 1963 SCC Online SC 16**, in para 23 as follows:-



23. That takes us to the merits of the respondent's contention that the conclusion of the appellant that the third charge framed against the respondent had been proved, is based on no evidence. The learned Attorney-General has stressed before us that in dealing with this question, we ought to bear in mind the fact that the appellant is acting with the determination to root out corruption, and so, if it is shown that the view taken by the appellant is a reasonably possible view, this Court should not sit in appeal over that decision and seek to decide whether this Court would have taken the same view or not. This contention is no doubt absolutely sound. The only test which we can legitimately apply in dealing with this part of the respondent's case is, is there any evidence on which a finding can be made against the respondent that charge No. 3 was proved against him? In exercising its jurisdiction under Art. 226 on such a plea, the High Court cannot consider the question about the sufficiency or adequacy of evidence in support of a particular conclusion. That is a matter which is within the competence of the authority which dealt with the question; but the High Court can and must enquire whether there is any evidence at all in support of the impugned conclusion. In other words, if the whole of the evidence led in the enquiry is accepted as true, does the conclusion follow that the charge in question is proved against the respondent? This approach will avoid weighing the evidence. It will take the evidence as it stands and only examine whether on that evidence legally the impugned conclusion follows or not. Applying this test, we are inclined to hold that the respondent's



grievance is well-founded because, in our opinion, the finding which is implicit in the appellant's order dismissing the respondent that charge number 3 is proved against him is based on no evidence.”

41. Ultimately, in para.27, the learned Judges held as follows:-

“ Now, in this state of the evidence, how can it be said that respondent even attempted to offer a bribe to Mr. Rajagopalan? Mr. Rajagopalan makes a definite statement that respondent did not offer him a bribe. He merely refers to the fact that respondent took out a paper from his wallet and the said paper appeared to him like a hundred rupee note double folded. Undoubtedly, Mr. Rajagopalan suspected the respondent's conduct, and so, made a report immediately. But the suspicion entertained by Mr. Rajagopalan cannot, in law, be treated as evidence against the respondent even though there is no doubt that Mr. Rajagopalan is a straightforward and an honest officer. Though we fully appreciate the anxiety of the appellant to root out corruption from public service, we cannot ignore the fact that in carrying out the said purpose, mere suspicion should not be allowed to take the place of proof even in domestic enquiries. It may be that the technical rules which govern criminal trials in courts may not necessarily apply to disciplinary proceedings, but nevertheless, the principle that in punishing the guilty scrupulous care must be taken to see that the innocent are not punished, applies as much to regular criminal trials as to disciplinary enquiries held under the statutory rules. We have very carefully



considered the evidence led in the present enquiry and borne in mind the plea made by the learned Attorney General, but we are unable to hold that on the record, there is any evidence which can sustain the finding of the appellant that charge No. 3 has been proved against the respondent. It is in this connection and only incidentally that it may be relevant to add that the U.P.S.C. considered the matter twice and came to the firm decision that the main charge against the respondent had not been established.”

42. Even the judgment relied upon by the respondents reported in **2026 SCC Online SC page 824 – State of Jharkhand and Others Vs. Ranjan Kumar and Others**, discusses that in the case of departmental proceedings the standard of proof is one of preponderance of probabilities. However, this is when the material on record supports the departmental case. The learned Judges have quoted from **(2015) 2 SC – 610 – Government of India Vs. P.Gunasekaran**, where circumstances under which the interference by the High Court under Article 226 of the Constitution of India can be exercised is set out. Clauses (d) and (i) therein would apply to the case on hand. Further, in that case, clear findings have been recorded by the Enquiry Officer which is absent in the case on hand.

43. Apart, from the Enquiry Officer’s report the Disciplinary authority has also relied upon the opinion provided by the TNPSC under Rule 18(1) (a) of



the Tamil Nadu Public Service Commission Regulation 1954. This opinion has not been provided to the petitioner. In WP.No.27161 of 2024, this Court had an occasion to deal with the same and hold in favour of the employee relying upon the judgement in WP.No.11481 of 2011 wherein it was held as follows:-

“The 1st respondent has based its decision primarily on the opinion sought for from the TNPSC under Rule 18(1)(a) of the Tamil Nadu Public Service Commission (TNPSC) Regulations, 1954. A useful reference can be made to the judgment of this Court in W.P.No.11481 of 2011 where this Court relying upon the earlier judgment of this Court had observed as follows in Paragraph No.10.

“10. From these judgements, it is made clear that, when Government decided to obtain the views of the TNPSC, it is necessary that, copy of the views must be supplied in advance to the delinquent concerned to give an opportunity to differ the views. It is not in dispute that, such an opportunity was not given to the petitioner. Therefore, in the light of the legal proposition settled in Union of India, Ministry of Defence and another Vs. The Registrar, Central Administrative Tribunal, Chennai and another reported in (2005) 2 MLJ 154, this Court finds that imposition of punishment to the petitioner without serving the copy of the views of TNPSC is not appropriate and in accordance with law. Therefore, punishment imposed against the petitioner of reduction in rank with cumulative effect is set aside.”



44. Therefore, in the light of the above discussion it is clear that the entire procedure adopted by the respondents is flawed and suffers from mala fides. It appears to be motivated and the involvement of the 4th respondent in the entire proceedings lends the credence to the petitioner's case that the disciplinary proceedings is nothing but a witch hunt orchestrated by the 4th respondent. Therefore, impugned order passed by the 1st respondent dated 20.05.2025 cannot be sustained and is liable to be quashed.

45. In fine, the Writ Petition is allowed, the impugned order is quashed and the 1st respondent is directed to forthwith reinstate the petitioner with full back wages, continuity of service, and all other attendant service benefits. No costs. Consequently, the connected Miscellaneous Petition is closed.

06-08-2026

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

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To

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1. The Secretary
Adi Dravidar And Tribal Welfare Department, Government Of Tamil Nadu,
Fort St. George, Chennai 600 009
2. The Deputy Secretary
Tn Public Service Commission, TNPSC Road Chennai 600 003
3. The Enquiry Officer / The Commissioner
Tribunal For Disciplinary Proceedings, Government Of Tamil Nadu,
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