



W.A(MD)No.229 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.08.2026

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI
and
THE HONOURABLE MR. JUSTICE N.DILIP KUMAR

W.A(MD)No.229 of 2021
and
C.M.P.(MD).No.691 of 2021

1.The Additional Chief Secretary,
Minor, Small and Medium Scale Industries Department,
Secretariat,
Chennai-600 009.

2.The Industries Commissioner and
Director of Industries and Commerce,
Chepauk, Chennai-600 005.

3.The Principal,
Institute of Tool Engineering,
Dindigul-624 003.

: Appellants

Vs.

A.Perumal

... Respondent

Prayer: This Writ Appeal is filed under Clause 15 of Letters Patent Act, against the order passed by this Court in W.P.(MD)No.8139 of 2011 dated 19.12.2019 on the file of this Court.

For Appellants : Mr.G.Mohan Kumar,
Additional Government Pleader



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For Respondent : No Appearance

JUDGMENT

(Judgment of the Court was made by **M.DHANDAPANI.J.**)

This Intra-Court Appeal has been filed challenging the order passed by the learned Single Judge of this Court in W.P.(MD)No.8139 of 2011, dated 19.12.2019, whereby the punishment imposed by the appellate authority was set aside. Challenging the same, the present writ appeal has been filed.

2. The learned Additional Government Pleader appearing for the appellants would submit that the respondent was working as an Office Assistant under the control of the third appellant. He was placed under suspension by the second appellant on the ground that he had consumed alcohol along with one Pandian, damaged the window glasses and used filthy language against the District Manager. Accordingly, a charge memo was issued. The Enquiry Officer conducted an enquiry, during which the respondent admitted his guilt and assured that he would not repeat such conduct in future. Based on the findings of the Enquiry Officer, a punishment of stoppage of increment for a period of three years with cumulative effect was imposed. Aggrieved by the same, the respondent preferred an appeal before the appellate authority. The appellate



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authority modified the punishment by retaining the punishment of stoppage of increment and dropping the recovery of subsistence allowance. Thereafter, the respondent filed W.P.(MD)No.8139 of 2011. This Court, by order dated 19.12.2019, allowed the writ petition mainly on the ground that the apology letter allegedly given by the respondent had not been produced before the Enquiry Officer or before this Court. However, the Enquiry Officer had recorded a finding that the respondent had admitted his guilt. When such being the position, the learned Single Judge ought not to have interfered with the order passed by the appellate authority, particularly when the appellate authority had already exercised its discretion and modified the punishment. Hence, the learned counsel prayed for allowing the writ appeal.

3. Though the name of the respondent has been printed in the cause list, none appeared on behalf of the respondent. Considering the pendency of the case, this Court is inclined to dispose of the writ appeal on merits.

4. We have heard the learned counsel appearing for the appellants and perused the entire records.



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5. It is alleged that the respondent/writ petitioner, along with his friend Pandian, consumed alcohol at about 9.45 p.m., entered the office in a drunken state, damaged the window glasses and used filthy language against the District Manager. However, in the present case, the District Manager was not examined before the Enquiry Officer. Therefore, the charge relating to the alleged use of filthy language against the District Manager cannot be said to have been proved before the Enquiry Officer. The remaining charge relates to consumption of alcohol. The alleged incident had taken place at about 9.45 p.m., whereas the office hours had already ended at 5.00 p.m. The reason for the respondent being present in the office at 9.45 p.m. has not been properly explained by the Disciplinary Authority or the Appellate Authority. Further, the apology letter allegedly given by the writ petitioner was not produced either before the Enquiry Officer or before this Court.

6. In view of the above circumstances, the learned Single Judge was justified in interfering with the punishment imposed on the respondent. We find no ground to interfere with the well-considered order passed by the learned Single Judge.



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7. Accordingly, the Writ Appeal is dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

[M.D.I.,J] [N.D.K.,J]
11.08.2026

Index: Yes/No

Internet: Yes/No

TSG

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