

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.01.2015

CORAM :

THE HONOURABLE MR. JUSTICE T. RAJA

W.P.NO. 16525 OF 2007(T)
(O.A.NO.2294 of 2004)

R. Muthappan

.. Petitioner

Vs.

1. The Secretary to Government
School Education Department
Secretariat, Chennai - 9.
 2. The Director of Elementary Education
College Road, Nungambakkam
Chennai - 600 006.
 3. The District Elementary Educational Officer
Dharmapuri District.
 4. The Assistant Elementary Educational Officer
Pennagaram, Dharmapuri District.
- Respondents

..

PRAYER: This Writ Petition came to be numbered under Article 226 of the Constitution of India by way of transfer of O.A.No.2294 of 2004 from the file of Tamil Nadu Administrative Tribunal with a writ of Certiorari, prayer to call for the entire records in Pa. Mu. No.03797/EK3/98 dated 23.02.2000 of the Director of Elementary Education, Chennai - 6 (2nd respondent herein) and the consequential rejection order in G.O. 3(D) No.13 dated 07.02.2003 of the School Education (G) Department, Chennai -9 (1st respondent herein) and quash the same..

For Petitioner : Mr. M. Ramadoss
For Respondents : Mr. N. Srinivasan, AGP

O R D E R

Mr. R. Muthappan, filed O.A. No. 2294 of 2004 before learned Tamilnadu Administrative Tribunal challenging the order of punishment imposed against him by the second respondent, the Director of Elementary Education, Chennai imposing the punishment of stoppage of increment for two years with cumulative effect for a proved 2nd charge, although the 1st charge was not proved. However, after abolition of learned Tamilnadu Administrative Tribunal, the Original Application came on transfer to this Court as W.P. No. 16525 of 2007.

2. Learned counsel appearing for the petitioner would submit that while the petitioner was working as Additional Assistant Elementary Educational Officer, Veppanampalli Union in Dharmapuri District received a charge memo, leveling the following two charges :

1. Alleging that he demanded a sum of Rs.5000/- as bribe from one Mr. Thimmaiah who had worked as Assistant Teacher for getting his retirement benefits, which is against Rule 20 of Tamilnadu Government Servants Conduct Rules.
2. He received a sum of Rs.200/- on 08.08.2007 each from Tmt. R. Rama Maheswari, Tmt. E. Renganayaki and Tmt. J. Jayalakshmi for opening service registers, who were newly recruited teachers under the control of the delinquent. Further, he received a sum of Rs.200/- from Tmt. R. Rama Maheswari, Tmt. E. Renganayaki and Tmt. J. Jayalakshmi for the abovesaid reasons and consequently, he failed to keep up the conduct stipulated under the provisions of Tamilnadu Government Servants Conduct Rules.

3. The petitioner submitted a detailed explanation for the above charge memo. However, without accepting the explanation, an Enquiry Officer was appointed, who also gave a finding in favour of the petitioner with regard to the first charge, holding that it has not been proved. However, he came to a wrong conclusion that the petitioner is guilty of the second charge. As a result, he was imposed with the punishment of stoppage of increment for two years with cumulative effect. Aggrieved by the same, the petitioner preferred an appeal before the first respondent, who without any valid reasons, confirmed the punishment. Assailing the same, the petitioner has come before this Court.

4. Learned counsel appearing for the petitioner further submitted that the petitioner has been falsely implicated with the

charges and the enquiry officer also found the first charge not proved only on the premises that he has failed to cross examine the witness. The enquiry officer held the petitioner guilty in respect of the second charge, which approach cannot be accepted, he pleaded. In any event, finally the petitioner was working as Middle School Headmaster at Panchayat Union Middle School, Chinnampalli, Pennagaram Union, Dharmapuri District and he retired from service on 31.05.2003 on reaching the age of superannuation. In view of the above said punishment, his pension is very badly affected and hence he challenges the impugned order. That apart, he had devoted his entire life for more than three decades sincerely. Appreciating his long service of 37 years, the impugned punishment may be reviewed, he further pleaded.

5. Opposing the above prayer, Mr. N. Srinivasan, learned Additional Government Pleader submitted that the petitioner does not deserve any leniency from this Court in as much as he had been implicated with two charges, both are illegal demand and acceptance of money from his own colleagues. The enquiry officer although found not guilty in respect of the first charge, found the petitioner guilty in respect of the second charge and held categorically that he has demanded Rs.200/- and accepted the same, for which he had not answered so far. The disciplinary authority also taking into account one significant fact that the petitioner has not come forward to examine the witnesses before the enquiry officer and moreover he has not even denied the charges before the enquiry officer, has rightly come to the conclusion that he should be imposed with a punishment. However, the disciplinary authority found that the petitioner had received Rs.200/- and that charge also had been proved, which made him to impose a lighter punishment of stoppage of increment for a period of two years with cumulative effect. Therefore, the contention made by the petitioner that he is suffering even today after retirement, by receiving lesser pension cannot have any basis for interference.

6. This Court fully agrees with the arguments advanced by learned Additional Government Pleader that a person who has been found guilty in respect of bribe, should not be shown any leniency. Hence, this Court finds no infirmity in the order passed by the second respondent or the appellate authority.

7. Therefore, the writ petition fails and the same is dismissed. No order as to costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government
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2. The Director of Elementary Education
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1 cc to Mr. M. Ramadoss ,Advocate, SR.No.3329/15
1 cc to Government Pleader, Sr.No2862

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