

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2015

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.17802 of 2007  
(O.A.No.420 of 2004)

E.Shanthi Jayarani

.. Petitioner/Applicant

-vs-

1. The Director of Social Welfare  
Social Welfare and Nutritious Meal  
Programme Department  
Chennai 600 005

2. The Joint Director (Administration)  
Social Welfare Department  
Chennai 600 005

.. Respondents/Respds.

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorari, to call for the records relating to the impugned order passed by the first respondent in Se.Mu.Na.Ka.No.50989/Nir 3-2/95 dated 22.12.2003 confirming the final order in the disciplinary proceedings passed by the second respondent in Se.Mu.No.50989/Adm 3(2)/95 dated 30.11.2000 and quash the same.

For Petitioner :: Mr.T.N.Sugesh

For Respondents :: Mr.N.Srinivasan  
Additional Government Pleader

सत्यमेव जयते  
ORDER

This writ petition has been filed challenging the impugned order passed by the first respondent, who has confirmed the order passed by the second respondent in Se.Mu.No.50989/Adm 3(2)/95 dated 30.11.2000, in and by which the appellate authority confirmed the punishment of stoppage of increment for a period of three years with cumulative effect, holding that the petitioner, who suffered the charge of receiving Rs.2,500/-, had failed to prove the same either before the enquiry officer or before the disciplinary authority.

2. Aggrieved by the impugned order, O.A.No.420 of 2004 was filed before the Tamil Nadu Administrative Tribunal on the ground that the entire disciplinary proceedings were held in violation of the

principles of natural justice, that the petitioner was not furnished with the copies of the statements allegedly given against her by certain committee members, that the witnesses were enquired in her absence and she was made to wait outside, that the statements so recorded were also not furnished to the petitioner, that she was not given any opportunity initially to cross examine the witnesses who had allegedly deposed against her, that certain important witnesses, against whom the petitioner alleged that they were the persons at whose instance the charge was framed, were not examined during the enquiry, despite her specific request and as a result she was denied a fair and reasonable opportunity. It was also the further case of the petitioner that when the final order was passed on the basis of the erroneous report submitted by the enquiry officer, an appeal was preferred before the Director of Social Welfare and Nutritious Noon Meal Programme, the first respondent herein. But the first respondent also wrongly rejected the appeal without assigning any different reason.

3. A reading of the impugned order does not show the application of mind of the appellate authority. When the petitioner was charged with the allegation that during her tenure as Additional Rural Welfare Officer at Omalur, she demanded Rs.2,500/- from 14 of the D.W.C.R.A committee members, Chellapillai Kuttai in Omalur Panchayat Union for procuring loan under the DWCRA scheme and further demanded a sum of Rs.700/- from them, the petitioner submitted a detailed explanation on 15.10.97 denying all the charges specifically mentioning that she was not at all guilty of the charge framed against her. In the said explanation she has also stated that during her tenure as Rural Welfare Officer at Omalur Panchayat Union, she was entrusted with the task of identifying beneficiaries for certain coir related jobs in Chellapillai Kuttai (Adi Dravidar colony), Paakalpatti Kuttakadu and Kathir Chettipatti areas and the list of beneficiaries furnished to her included certain relatives of the panchayat president. But the bank had stated that the earlier defaulters cannot be permitted to open the accounts. But one of the committee members, who had collected money required for opening the bank account, had put the blame on the petitioner that she was guilty of demanding a sum of Rs.2,500/- and the additional demand of Rs.700/-. However, the petitioner in her detailed explanation dated 15.10.97 explained the fact that at no point of time she had received any illegal gratification. But the petitioner had admitted the receipt of Rs.750/- only for opening the bank account, but not the receipt of Rs.2,500/-. However, after opening the bank account, when she returned Rs.50/- to the Additional Block Development Officer, the enquiry officer had wrongly presumed that the receipt of Rs.750/- is an illegal gratification.

4. This Court finds it difficult to differ with the findings recorded by the enquiry officer and as confirmed by the disciplinary authority, for the reason that when it was the specific admission by

the petitioner that she had not received Rs.2,500/- and received only Rs.750/- to open the bank account in the names of the beneficiaries, but after receiving Rs.750/-, she had returned Rs.50/-, neither the petitioner had proved by showing any acceptable document before the enquiry officer that she had only received Rs.750/-, but not Rs.2,500/- nor she had shown or produced any receipts whatsoever for returning Rs.50/- and it is also not the case of the petitioner that she had received Rs.750/- alone from the particular individuals. When these factors have been completely not established by the petitioner, this Court, sitting under Article 226, may not be in a position to go into the disputed factual aspects, when the findings were recorded by the enquiry officer and the same was also confirmed by the disciplinary authority.

5. For the reasons mentioned above, this Court finds no merits in the writ petition. Accordingly, the writ petition fails and it is dismissed. No costs.  
ss

-s/d-

Deputy Registrar(J)

Dt:22/1/2015

True Copy

Sub-Assistant Registrar

To

1. The Director of Social Welfare  
Social Welfare and Nutritious Meal  
Programme Department  
Chennai 600 005
2. The Joint Director (Administration)  
Social Welfare Department  
Chennai 600 005

+ 1 cc to Mr.T.N.Sugesh, Advocate SR 1098

+ 1 cc to Government Pleader SR 903

vgi(co)  
prk2/2

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