

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.3.2018

CORAM

**THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN**

C.M.P.No.2063 of 2018

in

W.A. SR.6181 of 2018

and

W.A. SR.6181 of 2018

1. Government of Tamil Nadu,
rep. by the Principal Secretary to
Government,
School Education (PK-1(2) Department,
Secretariat, Chennai 600 009.
 2. The Director of School Education,
DPI Campus, Chennai 600 006.
 3. The Chief Educational Officer,
Vellore District.
- Petitioners/Appellants

Versus

1. K.Jhansirani
 2. Mr.Saravanan
- Respondents/Respondents

Prayer: Petition filed under Section 5 of the Limitation Act to condone the delay of 411 days in filing the above Writ Appeal against the order dated 8.11.2016 made in W.P.No.20289 of 2014.

Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 8.11.2016 made in W.P.No.20289 of 2014. on the file of this court.

For petitioners/appellants : Mr.K.Karthikeyan
Government Advocate
For R1 : Mr.K.Srinivasa Murthy

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned Government Advocate appearing for the petitioners/appellants and the learned counsel appearing for the first respondent.

2. Though the matter came up for condoning the delay of 411 days in filing the writ appeal, considering the scope of the matter, we have decided to dispose of the writ appeal itself.

3. The writ appeal has been filed by the State challenging the order passed by the learned Single Judge allowing the writ petition and thereby quashing the impugned order of punishment imposed upon the writ petitioner with stoppage of increment for two years with cumulative effect.

4. The misconduct alleged against the writ petitioner is that she had utilized a sum of Rs.50,000/- for her personal use which has been drawn for the purpose of disbursement of travelling allowance to some teachers, who attended a training programme and she had not properly accounted for the amount so withdrawn.

5. It is the case of the writ petitioner that she is the senior most BT Assistant due for promotion as P.G. Assistant and the allegations levelled against her are intentional to deprive of her promotional avenues. It is further contended that though she had followed the procedures as directed

by her superiors and disbursed the travelling allowance properly and obtained acknowledgments from the Teachers concerned in the Attendance itself which she had proved the same during the enquiry, she had been found guilty and imposed with such a punishment without proper material to establish that she had indulged in such misconduct.

6. Having heard the learned counsel appearing for the parties and on perusing the entire materials available and the order passed by the learned Single Judge, we find that the learned Single Judge, on appraising the manner in which the enquiry was conducted against the writ petitioner in the light of the decision in *STATE OF UTTARANCHAL v. KHARAK SINGH* ((2008) 8 SCC 236), arrived at a conclusion that there is violation of principles of natural justice in conducting the enquiry and quashed the impugned order of punishment. Further, it is the stand of the learned counsel appearing for the writ petitioner that the writ petitioner alone is not responsible for the procedure in disbursing the Travelling Allowance to the Teachers concerned as she had only followed the instructions of her superiors, but, she had been victimized.

7. Considering the totality of the circumstances, we are not inclined to entertain the writ appeal that too with such inordinate delay. In that view of the matter, while dismissing the petition seeking to condone the delay and rejecting the writ appeal filed by the State not only on the ground of delay in filing the same but also on merits, we direct the appellants to comply with the order passed by the learned Single Judge and provide all the

consequential benefits viz., promotion, etc. to the writ petitioner, within a period of two months from the date of receipt of a copy of this judgment.

No costs.

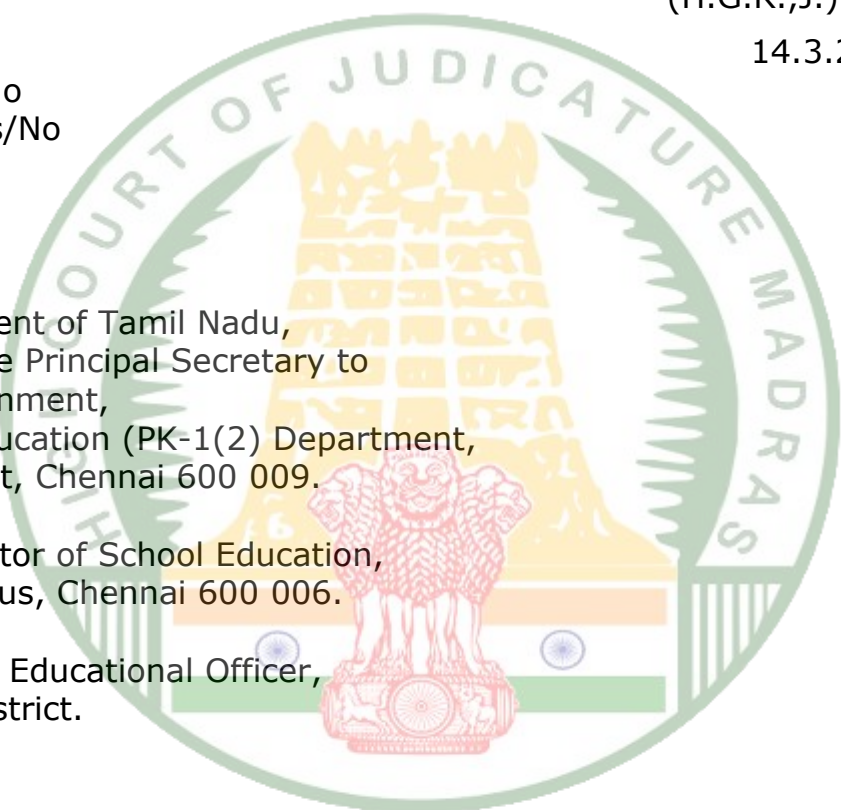
(H.G.R.,J.)(T.K.R.,J.)

14.3.2018

Index:Yes/No
Internet:Yes/No
ssk.

To

1. Government of Tamil Nadu,
rep. by the Principal Secretary to
Government,
School Education (PK-1(2) Department,
Secretariat, Chennai 600 009.
2. The Director of School Education,
DPI Campus, Chennai 600 006.
3. The Chief Educational Officer,
Vellore District.

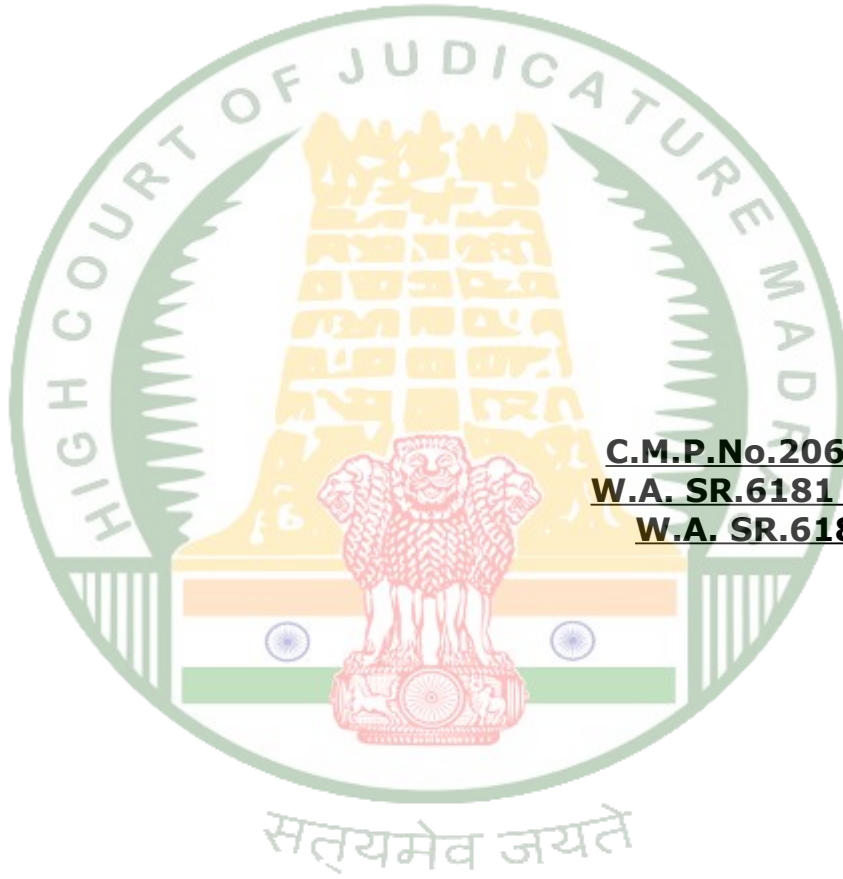
The seal of the High Court of Judicature Madras is a circular emblem. It features a central yellow temple gopuram (tower) with a red lion capital of Ashoka in front of it. The gopuram is set against a background of a green and white striped field. The words "HIGH COURT OF JUDICATURE MADRAS" are inscribed in a green circle around the central image. Below the seal, the Sanskrit motto "सत्यमेव जयते" (Satyameva Jayate) is written in Devanagari script.

सत्यमेव जयते

WEB COPY

**HULUVADI G. RAMESH, J.
AND
RMT.TEEKAA RAMAN, J**

ssk.



**C.M.P.No.2063 of 2018 in
W.A. SR.6181 of 2018 and
W.A. SR.6181 of 2018**

WEB COPY

14.3.2018