



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.09.2018

CORAM:

THE HONOURABLE MR.JUSTICE **M.M.SUNDRESH**

AND

THE HONOURABLE MR.JUSTICE **N.SATHISH KUMAR**

W.A. [MD] .No.1448 of 2014

and

**M.P. (MD) .No.1 of 2014
AND WP (MD) .1560 OF 2012**

- 1.The Secretary,
Handlooms, Handicrafts, Textiles and Khadi Department,
Secretariat, Fort.St.George,
Chennai.
- 2.The Director of Handlooms and Textiles,
Kuralagam II Floor, Chennai 108. : Appellants/Respondents

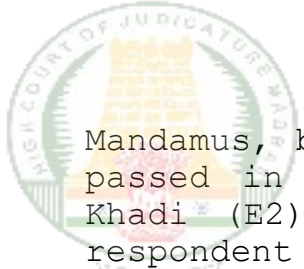
Vs.

- 1.P.K.Periasamy : Respondent/petitioner
- 2.The Secretary,
Tamil Nadu Public Service Commission,
Chennai.
- 3.The Inquiry Officer,
Office of the Director of Handlooms and Textiles,
Kuralagam, Second Floor,
Chennai 108. : Respondents/Respondents

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent against the order dated 19.09.2014 made in W.P.(MD).No.1560 of 2012, on the file of this Court.

Prayer in WP(MD). 1560/ 2012 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified



Mandamus, by calling for the records relating to the impugned order passed in G.O. (Ms.) No.151, Handlooms, Handcrafts, Textiles and Khadi (E2) Department dated 12.12.2001, on the file of the 1st respondent and quash the same and consequently direct the respondents to pay all the service attendant and monetary benefits of the petitioner with effect from the date of his suspension dated 24.02.1998.

For Appellants : Mr.A.K.Baskarapandian
Special Government Pleader

For respondent No.1 : Mr.M.Ajmal Khan
Senior Counsel
For Mr.M.Thirunavukkarasu

For Respondents 2&3 : No Appearance

JUDGMENT

[**Judgment** of the Court was delivered by **M.M.SUNDRESH, J.**]

This Writ Appeal has been filed challenging the order passed by the learned Single Judge dated 19.09.2014 made in W.P.(MD).No.1560 of 2012.

2. The learned Special Government Pleader appearing for the appellants would submit that the first respondent was formerly working as Joint Director of Handlooms and Textiles. Charges, totally five in numbers, were framed against the first respondent for the loss caused by him. Thus, according to the learned Special Government Pleader, the learned Single Judge ought not to have gone into the merits of the case.

3. The learned Senior Counsel appearing for the first respondent would submit that it is a very unfortunate case, where for the alleged incident took place in the year 1988, the charges were framed against the first respondent only after lapse of ten years and after lapse of 13 years, the proceedings were concluded and thereafter, the order of dismissal from service was passed, which the learned Single Judge has rightly set aside and imposed punishment of compulsory retirement from service. The learned Single Judge, on facts and after perusing the available records, found that the dismissal from service is shockingly disproportionate, since some of the charges were not proved and only charge No.2, 4 and 5 were proved, of which charge Nos.4 and 5 were not very serious. Accordingly, taking into consideration of the overall circumstances, the punishment of dismissal from service imposed on the first respondent was modified into that of compulsory retirement from service and thus, the order passed by the learned Single Judge does



not require any interference at the hands of this Court.

4. We have considered the above submissions and perused the records available.

5. The facts, narrated by the learned Single Judge, are not in dispute. The first respondent attained the age of superannuation way back in the year 1998. Admittedly, charges were framed after lapse of ten years and thereafter, it took 13 years to complete the proceedings. There is absolutely no explanation for the unexplained delay at every stage. In our considered view, the learned Single Judge, after going through the records, passed a detailed order, holding that only some of the charges are proved as against the others and accordingly, modified the punishment imposed on the first respondent.

6. In such view of the matter, we do not find any error warranting interference at the hands of this Court. Accordingly, the Writ Appeal is dismissed. The appellants are directed to comply with the order passed by the learned Single Judge releasing resultant benefits to the first respondent within a period of twelve weeks from the date of receipt of a copy of this Judgment. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS-II)

To

1. The Secretary,
Handlooms, Handicrafts, Textiles and Khadi Department,
Secretariat, Fort.St.George,
Chennai.
2. The Director of Handlooms and Textiles,
Kuralagam II Floor, Chennai 108.
3. The Secretary,
Tamil Nadu Public Service Commission,
Chennai.



4.The Inquiry Officer,
O/o. The Director of Handlooms and Textiles,
Kuralagam II Floor, Chennai 108.

+1 CC TO The Special Government Pleader SR.NO. 83654
+1 CC To MR.M.THIRUNAVUKKARASU, Advocate SR. NO. 83206

JUDGMENT MADE IN
W.A. [MD] .No.1448 of 2014
10.09.2018

NB
TR/SKN/SAR-II (25.09.2018) 4P 7C