

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :11.02.2019

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.3266 of 2019

and

W.M.P.No.3543 of 2019

A.Krishnamurthy

..Petitioner

--vs--

1.The District Collector,
Cuddalore.

2.The Sub Collector,
Cuddalore.

3.The District Revenue Officer,
Cuddalore.

4.The Revenue Divisional Officer,
Revenue Department,
Cuddalore.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for records relating to the second respondent dated 17.11.2016 vide proceedings No.Roc.A6/2577/2000 and the proceedings of the third and fourth respondents vide proceedings No.Na.Ka.A5/17926/2001 dated 17.10.2001 and the proceedings No.Na.Ka.No.A6/2577/2000 dated 30.12.2000 confirming the order of punishment of stoppage of increment and to quash the same and consequently direct the respondents to pay all the retirement benefits of the petitioner.

For Petitioner : Mrs.S.Jaya Aruni

For Respondents : Mr.A.N.Thambi Durai
Special Government Pleader.

O R D E R

The order passed by the Sub Collector, Cuddalore in Proceedings No.Roc.A6/2577/2000 dated 17.11.2016, is under challenge in the present writ petition.

2. The writ petitioner was initially appointed as a Village Administrative Officer. The petitioner was prosecuted under the provisions of the Prevention of Corruption Act,. He was convicted by the Trial Court and on appeal, the High Court acquitted the writ petitioner from the criminal charges by extending the benefit of doubt. However, based on the records available, the departmental disciplinary proceedings were concluded and the punishment of stoppage of increment was imposed. Against the order of punishment, the writ petitioner preferred an appeal to the Sub Collector, who in turn rejected the appeal on the ground that the departmental disciplinary proceedings are independent and unconnected with the criminal prosecution. This apart, pursuant to the clarification issued by the Government, even in case of acquittal, the disciplinary authority can impose punishment under the Discipline and Appeal Rules. Under these circumstances, the appeal preferred by the writ petitioner was rejected.

3. This Court is of an opinion that, admittedly, the writ petitioner was charged for acceptance of bribe to the tune of Rs.1500/-. The criminal case was registered under the provisions of the Prevention of Corruption Act, ended with an order of conviction and on appeal, he was acquitted. Mere acquittal in a criminal proceedings cannot be a bar for the continuance of departmental disciplinary proceedings.

4. This being the principles to be followed, there is no error on the part of the disciplinary authorities in concluding the departmental disciplinary proceedings and imposing the punishment of stoppage of increment in the present case on hand.

5. Admittedly, the punishment of stoppage of increment was imposed. Against the said order of punishment, the petitioner has preferred an appeal before the Sub-Collector, who in turn rejected the appeal on the ground that the writ petitioner was acquitted on benefit of doubt and therefore, the punishment imposed based on the proved charges under the Discipline and Appeal Rules and it deserves no review at all.

6. This Court is of an opinion that, if at all any grievance exist to the writ petitioner, he can go for further appeal before the Head of the Department or before the Government as prescribed under the Rules. As far as the decision taken by the Sub Collector in the impugned proceedings dated 17.11.2016 is concerned, the same is in order and there is no infirmity as such. Mere acquittal on benefit of doubt will not confer any right on the writ petitioner and the disciplinary proceedings were concluded based on the files and records available and based on the enquiry undoubtedly conducted by the Enquiry Officer.

7. This being the factum, the writ petitioner has not established any acceptable legal ground for the purpose of granting relief as such sought for in the present writ petition. Accordingly, the present writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition stands closed.

Sd/-

Assistant Registrar (CS-I)

//True Copy//

Sub Assistant Registrar

Pns

To

1.The District Collector,
Cuddalore.

2.The Sub Collector,
Cuddalore.

3.The District Revenue Officer,
Cuddalore.

4.The Revenue Divisional Officer,
Revenue Department,
Cuddalore.

+lcc to Mr. S.Vijay Kumar, Advocate, S.R.No. 120110

+lcc to the Government Pleader, S.R.No. 12836

W.P.No.3266 of 2019

and

W.M.P.No.3543 of 2019

VD(CO)

GN(14/03/2019)