IN THE HIGH COURT OF JUDICATURE AT MADRAS

ORDERS RESERVED ON : 14.07.2020

ORDERS PRONOUNCED ON : 02.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.22885 of 2005

K.Elangovan … Petitioner

Vs.

1. The State of Tamil Nadu,
   Rep. by its Secretary to Government,
   Handlooms, Handicraft,
   Handlooms and Khadhi Department,
   Secretariat, Fort St. George,
   Chennai 600 009.

2. The Commissioner,
   Handlooms and Textiles Department,
   Kuralagam, 2nd Floor,
   Chennai 600 108.

3. The Joint Director,
   Handlooms Department,
   Office of the Commissioner of Handlooms and Textiles,
   Kuralagam, 2nd Floor,
   Chennai - 600 108.

4. The Assistant Director,
   Handlooms and Textiles Department,
   Madurai - 20. … Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorarified mandamus calling for the records pertaining to the order dated 30.03.2005 made in G.O.(Pathandu) No.27 passed by the 1st Respondent herein confirming the order dated 24.06.1997 made in Na.Ka.No.9248/96/S1 passed by the 2nd Respondent herein confirming the order dated 04.12.1995 made in Na.Ka.No.11202/94/S1 passed by the 3rd Respondent and consequently direct the Respondents herein to give all consequential service benefits to the Petitioner.

For Petitioner :Mr.N.Manokaran

For Respondents :Mr.K.Magesh,
Special Government Pleader

O R D E R

Challenging the order dated 30.03.2005 passed by the 1st Respondent herein in G.O.(Pathandu) No.27, confirming the order dated 24.06.1997 passed by the 2nd Respondent herein in Na.Ka.No.9248/96/S1, confirming the order dated 04.12.1995 passed by the 3rd Respondent in Na.Ka.No.11202/94/S1, and for a consequential direction to the 3rd Respondent to give all consequential service benefits to him, the Petitioner has come up with the present Writ Petition.

2. According to the Petitioner, he joined the services of the Co-operative Department as Senior Inspector on 16.04.1970 at Co-operative Audit Department, Sathyamangalam, Erode District. Subsequently, in the year 1976, he was observed in the Handloom and Textiles Department as Handloom Inspector. Considering his seniority in service, he was promoted to the post of Handloom Officer on 13.07.1981 and presently, he is working as Textile Control Officer.

3. It is further stated by the Petitioner that, while working as Handloom Officer at Kannampalayam Powerloom Weavers Cooperative Society, the 4th Respondent herein issued a Show Cause Notice dated 17.09.1992 vide Na.Ka.No.8221/1992/G and the Petitioner sent his explanation to the same on 16.12.1992. Not satisfied with his explanation, the 4th Respondent issued a Charge Memo dated 26.04.1993. Details of the Charge Memo are as under:

> (i) Some irregularities in maintaining the Accounts regarding the supply of yarn and receipt of the same in the Audit year 1991-1992 resulted in loss to the Society to the tune of Rs.33,265/-.
>
> (ii) Misuse of Society funds to the extent of Rs.800/-.
>
> (iii) Without the prior permission of the Assistant Director, a sum of Rs.32,135/- was spent for construction of a shed in the Society, Printing of Books and Ledgers and payment of Printing Charges.
>
> (iv) Furnished incorrect particulars to the Assistant Director regarding the actual number of working looms.
>
> (v) Failure to repay the Housing loan as well as the GPF loan.

4. The Petitioner sent his explanation to the Charge Memo on 01.12.1993. Thereafter, the 4th Respondent herein appointed one Krishnamoorthy, Textile Control Officer as Enquiry Officer.

The Petitioner was called for an enquiry on 31.05.1994. According to the Petitioner, on the said date, no witnesses were examined and no document was produced and that, he was not furnished with any of the records relied in support of the Charge Memo.

5. Thereafter, the Enquiry Officer filed his Report dated 20.06.1994 and the same was communicated to the Petitioner by the 4th Respondent on 02.09.1994. It is the case of the Petitioner that, without issuing a second Show Cause Notice indicating the proposed punishment, he was called upon to file an Appeal to the 3rd Respondent. As directed by the 4th Respondent, the Petitioner filed an Appeal to the 3rd Respondent on 02.02.1995. The 3rd Respondent, who is the Original Authority, accepted the Enquiry Report in respect of Charge Nos.1 and 3 to 5, and by an order dated 04.12.1995 imposed punishment of "withholding of one year increment with cumulative effect".

6. On receipt of the said order, the Petitioner filed an Appeal to the 2nd Respondent on 27.02.1996 ventilating his grievance with a request to set aside the punishment. The 2nd Respondent, who is the Appellate Authority, by his proceedings dated 24.06.1997 in Na.Ka.No.9248/96/S1, rejected the Petitioner's Appeal. Aggrieved by the said order, the Petitioner filed a second Appeal dated 11.09.2002 to the 1st Respondent herein. Three years after filing the Appeal, the 1st Respondent vide proceedings dated 30.03.2005 in G.O.No.27, rejected the said Appeal. Challenging the same, Petitioner has come up with the present Writ Petition.

7. In the counter filed on behalf of the Respondents, it is stated that, the averment of the Petitioner that, there should be an inquiry under Section 81 or inspection under Section 82 of the Tamil Nadu Co-operative Societies Act, 1983 (Tamil Nadu Act 30 of 1983) before initiating disciplinary proceedings, is not correct. According to the Respondents, action under the above said Rules relate to misconduct in one way or the other by a Government servant, and consequential punishments are inflicted as per Rule 8 of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, whereas, Section 81 inquiry and Section 82 inspection are required to take action against the Co-operative Societies.

8. It is further stated in the counter that, at the time of tendering evidence, the Petitioner has averred that, except this, there is nothing more to say and that, cross-examination and examination of documents are not required. In verbatim, the Petitioner's statement reads thus:

இதனைத் தவிர வேறு ஒன்றும் சொல்வதற்கில்லை. குறுக்கு விசாரணை

தேவை இல்லை. ஆவணச் சான்று ஏதும் பரிசீலனை பண்ணத் தேவையில்லை.

9. Hence, according to the Respondents, the Petitioner was given an opportunity to state his requirement, but, he rejected the same and failed to avail the opportunity.

10. Learned counsel for the Petitioner mainly contended that, the enquiry conducted by the Enquiry Officer is totally contrary to the principles of natural justice, as the 4th Respondent herein, neither examined any witnesses in support of the Petitioner nor produced any documents and that, the Petitioner was not given an opportunity of cross-examining the witnesses. He went on to contend that, the Report dated 12.02.1992 filed by the Textile Control Officer was not furnished to the Petitioner.

11. It is also his contention that, no Show Cause Notice was issued by the 3rd Respondent herein before taking a decision on the Enquiry Report. According to the learned counsel, withholding of one year increment with cumulative effect is a major penalty while considering the alleged misconduct and that, there is no loss to the Society and, if at all there is any loss, it could have been recovered by filing a Claim under Section 90 of the Tamil Nadu Co-operative Societies Act. It is his further contention that, without an enquiry under Section 81 or inspection under Section 82 of the Act, the 4th Respondent herein has initiated proceedings with an ulterior motive to victimize the Petitioner for some obvious reasons.

12. In support of his case, learned counsel for the Petitioner has relied on the following decisions:

(i) an Apex Court decision in the case of G. Vallikumari v. Andhra Education Society reported in (2010) 2 SCC 497

> "18. We shall now deal with the question whether the Division Bench of the High Court was justified in setting aside the direction given by the Tribunal for reinstatement of the appellant with consequential benefits. Shri Y.S. Rao, who conducted the enquiry against the appellant submitted the report dated 4-7-1999 with the findings that all the charges except Charge 4 have been proved against the appellant. She was given a copy of the enquiry report along with a show-cause notice to which she filed a reply dated 20-11-1995.
>
> 19. In his order, the Chairman of the Managing Committee did refer to the allegations levelled against the appellant and representation submitted by her in the light of

the findings recorded by the enquiry officer, but without even adverting to the contents of her representation and giving a semblance of indication of application of mind in the context of Rule 120(1)(d)(iv) of the Rules, he directed her removal from service. Therefore, there is no escape from the conclusion that the order of punishment was passed by the Chairman without complying with the mandate of the relevant statutory rule and the principles of natural justice. The requirement of recording reasons by every quasi-judicial or even an administrative authority entrusted with the task of passing an order adversely affecting an individual and communication thereof to the affected person is one of the recognised facets of the rules of natural justice and violation thereof has the effect of vitiating the order passed by the authority concerned.

20. A careful reading of the Tribunal's order shows that though it did not find any procedural infirmity in the enquiry against the appellant, the order passed by the Chairman of the Managing Committee was nullified only on the ground of violation of Section 8(2) of the Act read with Rule 120(2) of the Rules inasmuch as permission of the Director was not obtained before removing the appellant from service. The High Court set aside the order of the Tribunal and indirectly restored the order passed by the Chairman of the Managing Committee because it was of the view that Section 8(2) is not applicable to the minority institutions. Neither the Tribunal nor the Division Bench of the High Court dealt with and decided the appellant's challenge to the findings recorded by the enquiry officer and her plea that the extreme penalty of removal from service imposed on her was not justified because she was not found guilty of any serious misconduct.

21. Since the order of punishment passed by the Chairman of the Managing Committee is vitiated due to violation of the statutory rules and the principles of natural justice, we may have remitted the matter to the Tribunal with a direction to consider whether or not the penalty of removal from service imposed upon the appellant was disproportionate to the

misconduct found against her or the action taken by the management was wholly arbitrary or unjust but keeping in view the fact that the appellant was removed from service more than 13 years ago, we do not consider it proper to adopt that course."

(ii) a Division Bench decision of this Court in the case of the Joint Commissioner of Police, Traffic Zone vs. G.Anandan, reported in 2008 WLR 86

"9. The contention of the learned counsel for the respondent is that the appellate authority has not passed speaking order by following the above said rule. For proper appreciation, the order of the appellate authority is extracted hereunder:

"PROCEEDINGS OF THE JOINT COMMR. OF POLICE, TRAFFIC ZONE, VEPERY, CHENNAI-7

Present: Thiru Sunil Kumar, IPS.

C.No.5/AP/TR.PR(N)/2006Dated: 12.08.06

Short Title: Traffic zone - Appeal Petition of Ex.PC.12163 Anandan, Traffic planning against the orders of removal from service in SRP/PR.No.15/99 u/r.3(b) of the TNPSS(D&A) Rules,
1955, by DC/Traffic (North) - Orders - Issued.

Read : His appeal petition dt.24.7.06.

ORDERS:-

I have gone through the representation of the appellant, the minute and the order passed by the punishment authority.

2) I feel the punishment awarded is not excessive and matches the delinquency committed by the delinquent. Hence, I would not like to interfere with the punishment already awarded and would allow the punishment awarded as suggested by the punishing authority.

Sd/-
****
Joint Commr.of Police,
Traffic Zone."

From the perusal of the above order we could see that the appellate authority has not disposed of the appeal in terms of Rule 6(1) extracted above. As per the said rule, the appellate authority shall give a finding while considering the appeal as to whether the facts on which the order is based have been established, among other things. No such finding is given by the appellate authority, except by stating that he has gone through the representation of the appellant, minutes and the order passed by the punishing authority. Hence we are unable to confirm the order of the appellate authority as it is not a speaking order passed in terms of section 6(1) of the Rules.

10.(a) Similar issue with regard to Rule 23 of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, was considered by a Division Bench of this Court in the decision reported in (1983) 2 MLJ 513 (G.Srinivasan v. The Government of Tamil Nadu, represented by the Commissioner and Secretary to Government, Revenue Department, Madras-9 and others) and in paragraph 8 the Division Bench held as follows:

> "8. Coming to the second question as to whether the Board of Revenue has acted in accordance with rule 23 of the Tamil Nadu Civil Services (Classification, Control and Appeal) Rules, we feel that the Board of Revenue has not kept in mind the requisites necessary, under Rule 23. The order of the Board of Revenue dismissing the appeal has been extracted above. The order does not give any reason as to why it confirmed the order of dismissal except saying that it did not see any reason to interfere with the order of the Collector. We are of the view that having regard to the language used in rule 23, the dismissal of the appeal by the Board of Revenue is not a proper

disposal as contemplated by rule 23. Rule 23 provides as to what the appellate authority should do while considering the appeal filed by a delinquent officer against the penalty imposed on him. Rule 23(1) gives a mandate to the appellate authority to consider: (a) whether the facts on which the order was passed have been established; (b) whether the facts established afford sufficient ground for taking action; and (c) whether the penalty is excessive, adequate or inadequate. Thus it is clear from the perusal of rule 23 that the appellate authority is enjoined to consider whether the facts on which the order of dismissal was passed had been established and the facts established afford sufficient grounds for taking action and whether the penalty is excessive or adequate. Rule 23 directs the appellate authority to consider certain matters before passing the appellate order. The order of the appellate authority must therefore ex facie show that the matters referred to in rule 23 have been considered by the appellate authority before it passed its order. In this case, the order of the appellate authority merely says that it sees no reason to interfere with the order of the Collector and it does not indicate that it took all the matters referred to in rule 23 into consideration before rejecting the appeal. Obviously, the appellate authority the Board of Revenue in this case, appears to have overlooked the criteria referred to in rule 23, as otherwise, it would have at least referred to the relevant matters contained in rule 23 in its order. Dealing with this ground of attack, Mohan, J., has stated that according to the recent trend of opinion, if the appellate authority confirms the order in appeal, the appellate authority need not give reasons. It may be that in a case where there is no statutory provision dealing with the exercise of power by the appellate authority we have to fall back to the general principle as to whether the appellate authority is found to give reasons for his affirmation of the order of dismissal; but where the power of the appellate authority is circumscribed by a statutory provision such as rule 23 as in this case, the appellate authority should act within the confines of that rule and he cannot pass an order arbitrarily without considering the matters referred to in rule 23. We are therefore of the view that the order of the Board of Revenue, dated 4th September, 1976, stands vitiated for violation of Rule 23. On this ground, the order of the Board of Revenue which confirms the orders of dismissal passed against the appellant will stand quashed and the Board of Revenue has to pass a fresh order on the appeal filed by the appellant which should be treated as pending."

(b) The Supreme Court in the decision reported in AIR 1986 SC 1040 = (1986) 2 SCC 651 (R.P.Bhat v. Union of India) considered similar provision i.e, Rule 27(2) of the Central Civil Services (Classification, Control and Appeal) Rules, 1965. In paragraphs 3 to 5 the Supreme Court held thus:

"3. Having heard the parties, we are satisfied that in disposing of the appeal the Director General has not applied his mind to the requirements of Rule 27(2) of the Rules, the relevant provisions of which read as follows:

27. (2) In the case of an appeal against an order imposing any of the penalties specified in Rule 11 or enhancing any penalty imposed under the said Rules, the appellate authority shall consider:

(a) whether the procedure laid down in these rules has been complied with and if not, whether such non-compliance has resulted in the violation of any provisions of the Constitution of India or in the failure of justice;

(b) whether the findings of the disciplinary authority are warranted by the evidence on the record; and

(c) whether the penalty or the enhanced penalty imposed is adequate, inadequate or severe; and pass orders_

(i) confirming, enhancing, reducing, or setting aside the penalty; or
(ii) remitting the case to the authority which imposed or enhanced the penalty or to any other authority with such direction as it may deem fit in the circumstances of the case._

4. The word _consider_ in Rule 27(2) implies _due application of mind_. It is clear upon the terms of Rule 27(2) that the Appellate Authority is required to consider (1) whether the procedure laid down in the Rules has been complied with; and if not, whether such non-compliance has resulted in violation of any provisions of the Constitution or in failure of justice; (2) whether the findings of the disciplinary authority are warranted by the evidence on record; and (3) whether the penalty imposed is adequat e; and thereafter pass orders confirming, enhancing etc. the penalty, or may remit back the case to the authority which imposed the same. Rule 27(2) casts a duty on the Appellate Authority to consider the relevant factors set forth in clauses (a), (b) and (c) thereof.

5. There is no indication in the impugned order that the Director General was satisfied as to whether the procedure laid down in the Rules had been complied with; and if not, whether such non-compliance had resulted in violation of any of the provisions of the Constitution or in failure of justice. We regret to find that the Director General has also not given any finding on the crucial question as to whether the findings of the disciplinary authority were warranted by the evidence on record. It seems that he only applied his mind to the requirement of clause

(c) of Rule 27(2) viz. whether the penalty imposed was adequate or justified in the facts and circumstances of the present case. There being non-compliance with the requirements of Rule 27(2) of the Rules, the impugned order passed by the Director General is liable to be set aside."

The above decision was followed by the Supreme Court in its latter judgment reported in (2006) 4 SCC 713 Narinder Mohan Arya v. United India Insurance Company Limited & Others).

(c) Another Division Bench of this Court in 2004 (3) LW 32 (M.Nagarajan & Others v. The Registrar, High Court, Madras-600 104 and another) following the above referred decision in AIR 1986 SC 1040 (cited supra), set aside the order of the appellate authority for non-compliance of Rule 23 of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, and remitted the matter back to the appellate authority to pass fresh orders by following the said rules."

(iii) a decision of this Court in the case of K. Kandasamy vs Deputy Inspector-General of Police reported in (2006) 4 MLJ 1382

"7. It is seen from the aforesaid portion of the impugned order that the Appellate Authority did not deal with any of the grounds of appeal raised by the petitioner. A departmental appeal is a continuation of the original proceedings. It is needless to point out that the last opportunity available for a delinquent, to canvass his case on merits, is at the appellate stage. After the appeal, a delinquent loses his right to challenge any disciplinary proceedings on merits, since the scope of interference on a revision or on a writ petition is very limited. Therefore, the rules themselves contemplate appellate authorities to go into the factual details and consider all the grounds of appeal before deciding an appeal. Unfortunately, the first respondent has chosen to dismiss the appeal by a non-speaking order and hence the appellate authorities order is liable to be set aside.

8. A similar question came up for consideration before this Court in Arokiadoss v. The Deputy Commissioner of Police, Law and Order (South), Madras-8 and Anr. 1989 Writ L.R. 274. In the said case also, an identical order similar to the one involved in the present case was passed by the Appellate Authority. Therefore, after considering the scope of the powers conferred upon the Appellate Authority, this Court held as follows in paragraph-3:

Rule 6(1) of the Tamil Nadu Police Subordinate Services (Discipline and Appeal) Rules, 1955 reads as follows:

In the case of an appeal against an order imposing any penalty specified in Rule 2, the appellate authority shall consider--

(a) Whether the facts on which the order was based have been established;

(b) Whether the facts established afford sufficient ground for taking action, and

(c) Whether the penalty is excessive, adequate or inadequate, and after such consideration shall pass orders as it thanks proper.

The rule enjoins the concerned authority to consider the three aspects set out therein specifically. Unless the appellate authority considers them it cannot be said that it has carried out its duties properly. The Supreme Court had occasion to discuss a similar question under Rule 27(2) of the Central Civil Services (Classification, Control and Appeal) Rules, 1965. Dealing with the word 'consider' used in the said rule, the Supreme Court observed that the word 'consider' implies due application of mind-vide R.P. Bhatt v. Union of India . The following paragraph in the above judgment of the Supreme Court can be usefully referred to with advantage--

The word 'consider' in Rule 27(2) implies 'due application of mind'. It is clear upon the terms of Rule 27(2) that the appellate authority is required to consider (1) whether the procedure laid down in the Rules has been complied with; and if not, whether such non-compliance has resulted in violation of any provisions of the Constitution or in failure of justice; (2) Whether the findings of the disciplinary authority are warranted by the evidence on record; and (3) Whether the penalty imposed is adequate; and thereafter pass orders confirming, enhancing etc, the penalty, or may remit back the case to the authority which imposed the same. Rule 27(2) casts a duty on the appellate authority to consider the relevant factors set forth in Clauses (a), (b) and (c) thereof.

There is no indication in the impugned order that the Director General was satisfied as to whether the procedure laid down in the Rules had been complied with and if not, whether such non-compliance had resulted in violation of any of the provisions of the Constitution or in failure of justice. We regret to find that the Director General has also not given any finding on the crucial question as to whether the findings of the disciplinary authority were unwarranted by the evidence on record. It seems that he only applied his mind to the requirement of Clause (2) of Rule 27(2) viz., whether the penalty imposed was adequate or justified in the facts and circumstances of the present case. There being non-compliance with the requirements of Rule 27(2) of the Rules, the impugned order passed by the Director General is liable to be set aside.

9. Thus it is clear that the appellate authority's order is in violation of the rules relating to disposal of appeals and consequently, it is liable to be set aside. Therefore, the writ petition is allowed. The order passed by the first respondent dated 29.9.1995 is set aside and the matter remitted back to the first respondent for a fresh disposal on merits in accordance with law and the said exercise shall be completed by the first respondent within a period of four months from the date of receipt or production of a copy of this order. No costs."

13. Learned Special Government Pleader appearing for the Respondents contended that, when the Petitioner himself has

stated that, there is no need for cross-examination, it is not open to him to state that, he was not given an opportunity to cross-examine. He went on to contend that, there is no violation of the principles of natural justice and that, the punishment imposed on the Petitioner is not a major penalty. It is also his contention that the original order passed in the year 1992 has not been challenged by the Petitioner.

14. In support of his stand, learned Special Government Pleader has relied on a decision of the Apex Court in the case of Tara Chand Vyas vs. Chairman & Disciplinary Authority (1997) 4 SCC 565, relevant portion of which, reads thus:

> "3. Shri B.D. Sharma, learned counsel for the petitioner, contends that for proof of the charges none of the witnesses was examined nor any opportunity was given to cross-examine them and the petitioner has disputed his liability. As a consequence, the entire enquiry was vitiated by manifest error apparent on the face of the record. We find no force in the contention. The thrust of the imputation of charges was that he had not discharged his duty as a responsible officer to safeguard the interest of the Bank by securing adequate security before the grant of the loans to the dealers, and had not ensured supply of goods to the loanees. It is based upon the documentary evidence which has already been part of the record and copies thereof had been supplied to the petitioner. Under those circumstances, we do not think that there is any manifest error apparent on the face of the record warranting interference. It is then contended that no reasons have been given in support of the conclusions to substantiate the charges. The enquiry officer had elaborately discussed each charge and given reasons which were considered by the disciplinary authority and reached the conclusion that the charges were proved. So had the appellate authority. They are not like a civil court."

15. Heard the learned counsel for the parties and perused the material documents available on record.

16. It is the contention of the learned counsel for the Petitioner that, the scope of review is very limited and there is no provision for another review. However, his contention that, neither the 2nd Respondent/Appellate Authority nor the 1st Respondent herein, has considered the grounds raised by the Petitioner, may not be correct. Even assuming that a detailed order has to be passed, if this Court interferes with the order of original punishment, then, the entire matter is at large. If the matter is remanded to the Authority concerned, the Petitioner may be imposed a different punishment, which may be higher than the one that has been imposed and no purpose would be served now, as 15 years have gone by from the date of filing of the Writ Petition.

17. Paragraphs 5 and 6 at Page 56 of the Typed Set of Papers, make it clear that, the Appellate Authority has given careful consideration to all the documents pertaining to the charges levelled against the Petitioner and has also observed that, no new document has been produced by the Petitioner to re-consider his case. The contention of the learned counsel for the Petitioner that, the situation is hypothetical, cannot be accepted. Though, technically, it appears to be a merger, the Government has no jurisdiction to pass a second order at all.

18. Thus, when the Government has considered and passed a reasoned order dated 30.03.2005, the contention of the Petitioner that, second Show Cause Notice indicating the proposed punishment has not been issued to him, cannot make an issue.

19. Also, there is no dispute about the decisions cited by the learned counsel for the Petitioner in the light of the decision rendered by the Apex Court in the case of Padma Sundara Rao Vs. State of Tamil Nadu, reported in 2002 (3) SCC 533, wherein, it is held as follows:

> "9. Courts should not place reliance on decisions without discussing as to how the factual situation fits in with the fact situation of the decision on which reliance is placed. There is always peril in treating the words of a speech or judgment as though they are words in a legislative enactment, and it is to be remembered that judicial utterances are made in the setting of the facts of a particular case, said Lord Morris in Herrington Vs. British Railways Board (1972 (2) WLR 537 = 1972 AC 877 (HL)). Circumstantial flexibility, one additional or different fact may make a

world of difference between conclusions in two cases."

20. Thus, this Court is of the view that, there is no need to remand the matter and interfere with the punishment imposed, as the Petitioner may have to litigate for another 15 years, in case, any adverse order is passed by the Authority, on remand by this Court.

21. In order to give a quietus to the matter and as there is a possibility of further litigations, to bring down the life of litigations, this Court is not inclined to interfered with the punishment imposed on the Petitioner and the same is confirmed.

Accordingly, this Writ Petition stands dismissed. No costs.

Sd/-
Assistant Registrar

// True Copy//

Sub Assistant Registrar

(aeb)

To:

1. The Secretary to Government,
The State of Tamil Nadu,
Handlooms, Handicraft,
Handlooms and Khadhi Department,
Secretariat, Fort St. George, Chennai 600 009.

2. The Commissioner,
Handlooms and Textiles Department,
Kuralagam, 2nd Floor, Chennai 600 108.

3. The Joint Director,
Handlooms Department,
Office of the Commissioner of Handlooms and Textiles,
Kuralagam, 2nd Floor, Chennai - 600 108.

4. The Assistant Director,
Handlooms and Textiles Department,
Madurai - 20.

+1cc to Mr.N.Manokaran, Advocate, Sr.No.28802
+1cc to Government Pleader, Sr.No.28833

Pre-delivery Order
in
W.P.No.22885 of 2005

VGII(CO)
GS(21/10/2020)