

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 17.12.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. NO.11566 OF 2014

G.Elumalai

..Petitioner

- Vs -

- 1.The Registrar of Co operative Societies,
Chennai.
- 2.The Additional Registrar,
Co operative Societies,
Chennai.
- 3.The Joint Registrar co operative Societies,
Villupuram.
- 4.The Deputy Registrar of Cooperative Societies,
Tirukoilur.
- 5.The Special Officer,
Tirunavalur Farmers Service Cooperative Society,
Tirunavalur,
Villupuram District.
- 6.The Secretary,
Tirunavalur Farmers Service Cooperative Society,
Tirunavalur, Villupuram District.
- 7.N.Rangaiyan,
Departmental Enquiry Officer,
No.446, Thilagar Street, Gandhi Nagar,
Thiruchitrambalam cross road,
Vanur Taluk.

..Respondents

Writ petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of certiorarified Mandamus, calling for the records of the 2nd respondent of the petitioner's three (3) proceedings in No.64671/2012/SF1 dated 25.02.2014, and quash the same and thereby direct reinstatement of the petitioner in the Tirunavalur Farmers Service Co operative Society, Tirunavalur, with all monetary and other benefits.

For Petitioner : Mr. N.Suresh
For Respondents : Mr.L.P.Shanmugasundaram, Spl.G.P.
for RR1- to 4
: Mr. M.S.Palaniswamy for RR-5 & 6

ORDER

This Writ petition has been filed by the petitioner to call for the records of the 2nd respondent of the petitioner's three (3) proceedings in No.64671/2012/SF1 dated 25.02.2014, and quash the same and thereby direct reinstatement of the petitioner in the Tirunavalur Farmers Service Co operative Society, Tirunavalur, with all monetary and other benefits.

2. According to the petitioner, he was originally appointed as clerk in the Tirunavalur Farmers Service Cooperative Society and thereafter he was given additional charge as cashier in the Cooperative Society and in February 2010 he was placed in-charge Secretary in the Cooperative Society. While so, on 22.05.2010 midnight a theft was happened in the society office pursuant to which, on 23.05.2010, he gave the first information report to the law enforcing agency about the theft of 1,790 sovereign jewels and cash of Rs.3,00,000/-. The Tirunavalur Police registered the case in Crime No.168 of 2010 under Sections 457, 380 of IPC. It is averred by the petitioner that consequent to the registration of the FIR, the police had been investigating the matter and till date the actual offenders have not been identified and final report is not filed. It is the case of the petitioner that in the meantime, the District Registrar of Cooperative Societies initiated enquiry under Section 81 of the Tamilnadu Cooperative Societies Act and the 4th respondent was appointed as the enquiry officer. The enquiry officer submitted his report to the effect that there was no theft of jewels. Thereafter, the petitioner was placed under suspension and departmental enquiry was initiated and a charge memo was served on the petitioner by the 5th respondent on 27.09.2011. It is the averment of the petitioner that the charges framed against him are very vague. The 7th respondent was appointed as enquiry officer and he conducted the enquiry in which the petitioner has produced the documents and gave his explanation for all the charges and established that the petitioner has not committed any misappropriation and any error in the account that has crept in, is only on account of pressure of work. Though the amounts collected were deposited in the main account of the society, however, enquiry officer held that some of the charges were proved and some of the charges were not proved and the enquiry was completed way back in March, 2012. Without furnishing a copy of the enquiry report, the disciplinary authority called for further explanation and being no satisfied with the explanation offered by the petitioner, the petitioner

was imposed with a major punishment of dismissal from service. Aggrieved against the said punishment the petitioner filed two revisions before the 1st respondent, one challenging the report dated 03.05.2012 and the other challenging his termination from service dated 29.06.2012. Both the revisions were entertained in Na.Ka.No.64671/2012/SF-1 and the 2nd respondent started hearing the matter instead of 1st respondent. The revisional authority also without appreciating the petitioner's case, mechanically dismissed the revision petitions. Aggrieved against the same, the present writ petition is filed.

3. Though very many grounds have been raised in the petition, learned counsel appearing for the petitioner, submitted that pursuant to the Section 81 enquiry report, he was issued with the charge memo by the Special Officer charging the petitioner under various heads with vague charges. The petitioner has not committed any offence and the petitioner is not in any way responsible for either misappropriation or loss of jewels. The misappropriation was admittedly committed by the then cashier and as he has admitted the same in his own hand writing that he is responsible for misappropriation and that he would repay it back. However, without appreciating all the above, the enquiry officer has held some of the charges proved, which is wholly unsustainable. It is the further submission of the learned counsel for the petitioner that though some of the charges were held not proved, however, the same have not been appreciated in proper perspective by the disciplinary authority while imposing the punishment. In support of his contentions, he relied upon the decision judgement of the Hon'ble Division Bench of this Court reported in Dr.D.Rajamanickam Vs. The State of Tamilnadu & Ors. (CDJ 2018 MHC 31010 in W.A.No.710 of 2016), more particularly in paragraph No.17, which is extracted here under:

"17.From the above extracts, it could be seen that the Government had not considered the evidence on record independently and has not given its reasons for differing with the conclusions of the Enquiry Officer. As already stated there is nothing on record to show that the appellant was given a personal hearing, after the issuance of the 2nd show cause notice. As per the law laid down by the Hon'ble Supreme Court in various cases, referred to above, when a disciplinary Authority disagrees with the enquiry Officer on any article of charge, before it records its own findings on such charge, it must

(i)Record its tentative reasons for such disagreement and its findings.

(ii) The report of the enquiry Officer containing its findings will have conveyed to the delinquent officer and the delinquent officer will have an opportunity to persuade the Disciplinary Authority to accept the favourable conclusion of the enquiry Officer.

(iii) The Principles of natural justice require the authority, which has to take a final decision and can impose penalty to give an opportunity to the officer charged with a misconduct, to file a representation before the disciplinary Authority records its findings on the charges framed against the officer."

4. Per contra, learned Special Government Pleader appearing for the 5th respondent Society submitted that though a big treasure trove was lying with the society premises, however, curiously, the security guard was transferred by the petitioner to guard a fair price shop, for which no explanation has been offered by the petitioner. The said act of the petitioner speaks volumes about his intention to leave 1790 sovereigns of gold and Rs.3,00,000/- in cash unprotected and in open. Therefore it is clear that the filing of the compliant before the police is a premeditated and well laid plan to divert attention from him. It came to light that the petitioner has committed the act of misappropriation, falsification of accounts, forgery, breach of trust in dealing with the funds of the society, which necessitated the action by the respondents.

5. It is the further submission of the learned Special Government Pleader that this Court shall not normally interfere with the punishment imposed by the disciplinary authority unless it is shown to be perverse and passed in violation of principles of natural justice. It is further submitted that on proper appreciation of the materials placed, the appellate and the reviewing authorities have affirmed the imposition of punishment on the petitioner and unless it is shown that the punishment imposed is shockingly disproportionate and shocks the conscience of this Court, the Court shall not interfere with the said punishment. The authorities have applied their mind to the materials placed before them and have arrived at the punishment imposed and this Court, sitting under Article 226 of the Constitution shall not interfere with the same by invoking its inherent powers. Accordingly, he prays for dismissal of the present petition.

6. This Court paid its undivided attention to the submissions advanced by the learned counsel on either side and also perused the materials available on record and also the decisions relied on by the learned counsel for the petitioner.

7. The Hon'ble Supreme Court, in *B.C. Chaturvedi v. Union of India*, (1995 (6) SCC 749), while dealing with issue relating to the power of the Court relating to judicial review of the order passed by the disciplinary authority, held as under :

"12. Judicial review is not an appeal from a decision but a review of the manner in which the decision is made. Power of judicial review is meant to ensure that the individual receives fair treatment and not to ensure that the conclusion which the authority reaches is necessarily correct in the eye of the court. When an inquiry is conducted on charges of misconduct by a public servant, the Court/Tribunal is concerned to determine whether the inquiry was held by a competent officer or whether rules of natural justice are complied with. Whether the findings or conclusions are based on some evidence, the authority entrusted with the power to hold inquiry has jurisdiction, power and authority to reach a finding of fact or conclusion. But that finding must be based on some evidence. Neither the technical rules of Evidence Act nor of proof of fact or evidence as defined therein, apply to disciplinary proceeding. When the authority accepts that evidence and conclusion receives support therefrom, the disciplinary authority is entitled to hold that the delinquent officer is guilty of the charge. The Court/Tribunal in its power of judicial review does not act as appellate authority to reappraise the evidence and to arrive at its own independent findings on the evidence. The Court/Tribunal may interfere where the authority held the proceedings against the delinquent officer in a manner inconsistent with the rules of natural justice or in violation of statutory rules prescribing the mode of inquiry or where the conclusion or finding reached by the disciplinary authority is based on no evidence. If the conclusion or finding be such as no reasonable person would have ever reached, the Court/Tribunal may interfere with the conclusion or the finding, and mould the relief so as to make it appropriate to the facts of each case.

13. The disciplinary authority is the sole judge of facts. Where appeal is presented, the appellate authority has coextensive power to reappreciate the evidence or the nature of punishment. In a disciplinary inquiry, the strict proof of legal evidence and findings on that evidence are not relevant. Adequacy of evidence or reliability of evidence cannot be permitted to be canvassed before the Court/Tribunal. In Union of India v. H.C. Goel [(1964) 4 SCR 718 : AIR 1964 SC 364 : (1964) 1 LLJ 38] this Court held at p. 728 that if the conclusion, upon consideration of the evidence reached by the disciplinary authority, is perverse or suffers from patent error on the face of the record or based on no evidence at all, a writ of certiorari could be issued."

(Emphasis Supplied)

8. The above view has been reiterated by the Hon'ble Supreme Court in Principal Secy. Govt. of A.P. v. M. Adinarayana, (2004 (12) SCC 579), wherein, it has been held as under :-

"23. We have read this charge in the light of allegations in support thereof. In the instant case, it is not disputed that the respondent has neither supplied any prior information on the Government nor did he send any prior intimation to the Government. By not doing this, he has contravened the provisions of Rule 9. The Tribunal has also categorically held that the respondent has not applied for prior information before he purchased the items from the competent authority nor he intimated to the competent authority forthwith soon after the purchase of the several items. Therefore, in our view, the charged officer has violated Rule 9 of the Conduct Rules and thus is guilty of misconduct within Rule 2-H (sic) of the Andhra Pradesh Disciplinary Amendment Act, 1993. In view of the abovesaid finding we hold that respondent is guilty of both the charges framed against him within Rule 2 (b) of the Conduct Rules of 1961 framed under the Amendment Act, 1993.

* * * * *

26. In our opinion, judicial review cannot extend to the examination of the correctness of the charges as it is not an appeal but only a review of the manner in which the decision was made. We have, therefore, no hesitation in

setting aside the order of the Andhra Pradesh Administrative Tribunal and the judgment of the Division Bench of the High Court for reasons stated (supra). The order passed by the Government removing the respondent from service is in order and, therefore, the appeal filed by the appellant State stands allowed. Further, there will be no order as to costs."

9. In a recent decision in Director General of Police, RPF & Ors. - Vs - Rajendra Kumar Dubey (C.A. No.3820/2020 dated 25.11.20), the Hon'ble Supreme Court, advertent to the various decisions of the Apex Court relating to the interference by the High Court in exercise of its writ jurisdiction with respect to disciplinary proceedings, including the decision in Chaturvedi's case (supra), held as under :-

"12.1 It is well settled that the High Court must not act as an appellate authority, and re-appreciate the evidence led before the enquiry officer.

We will advert to some of the decisions of this Court with respect to interference by the High Courts with findings in a departmental enquiry against a public servant.

In State of Andhra Pradesh v S.Sree Rama Rao, a three judge bench of this Court held that the High Court under Article 226 of the Constitution is not a court of appeal over the decision of the authorities holding a departmental enquiry against a public servant. It is not the function of the High Court under its writ jurisdiction to review the evidence, and arrive at an independent finding on the evidence. The High Court may, however, interfere where the departmental authority which has held the proceedings against the delinquent officer are inconsistent with the principles of natural justice, where the findings are based on no evidence, which may reasonably support the conclusion that the delinquent officer is guilty of the charge, or in violation of the statutory rules prescribing the mode of enquiry, or the authorities were actuated by some extraneous considerations and failed to reach a fair decision, or allowed themselves to be influenced by irrelevant considerations, or where the conclusion on the very face of it is so wholly arbitrary and capricious that no reasonable person could ever have arrived at that conclusion. If however the enquiry is properly

held, the departmental authority is the sole judge of facts, and if there is some legal evidence on which the findings can be based, the adequacy or reliability of that evidence is not a matter which can be permitted to be canvassed before the High Court in a writ petition.

These principles were further reiterated in the State of Andhra Pradesh v Chitra Venkata Rao. The jurisdiction to issue a writ of certiorari under Article 226 is a supervisory jurisdiction. The court exercises the power not as an appellate court. The findings of fact reached by an inferior court or tribunal on the appreciation of evidence, are not re-opened or questioned in writ proceedings. An error of law which is apparent on the face of the record can be corrected by a writ court, but not an error of fact, however grave it may be. A writ can be issued if it is shown that in recording the finding of fact, the tribunal has erroneously refused to admit admissible and material evidence, or had erroneously admitted inadmissible evidence. A finding of fact recorded by the tribunal cannot be challenged on the ground that the material evidence adduced before the tribunal is insufficient or inadequate to sustain a finding. The adequacy or sufficiency of evidence led on a point, and the inference of fact to be drawn from the said finding are within the exclusive jurisdiction of the tribunal.

In subsequent decisions of this Court, including Union of India v. G. Ganayutham, Director General RPF v. Ch. Sai Babu, Chennai Metropolitan Water Supply and Sewerage Board v T.T. Murali, Union of India v. Manab Kumar Guha, these principles have been consistently followed.

In a recent judgment delivered by this Court in the State of Rajasthan & Ors. v. Heem Singh this Court has summed up the law in following words :

"33. In exercising judicial review in disciplinary matters, there are two ends of the spectrum. The first embodies a rule of restraint. The second defines when interference is permissible. The rule of restraint constricts the ambit of judicial review. This is for a valid reason. The determination of whether a misconduct has

been committed lies primarily within the domain of the disciplinary authority. The judge does not assume the mantle of the disciplinary authority. Nor does the judge wear the hat of an employer. Deference to a finding of fact by the disciplinary authority is a recognition of the idea that it is the employer who is responsible for the efficient conduct of their service. Disciplinary enquiries have to abide by the rules of natural justice. But they are not governed by strict rules of evidence which apply to judicial proceedings. The standard of proof is hence not the strict standard which governs a criminal trial, of proof beyond reasonable doubt, but a civil standard governed by a preponderance of probabilities. Within the rule of preponderance, there are varying approaches based on context and subject. The first end of the spectrum is founded on deference and autonomy - deference to the position of the disciplinary authority as a fact finding authority and autonomy of the employer in maintaining discipline and efficiency of the service. At the other end of the spectrum is the principle that the court has the jurisdiction to interfere when the findings in the enquiry are based on no evidence or when they suffer from perversity. A failure to consider vital evidence is an incident of what the law regards as a perverse determination of fact. Proportionality is an entrenched feature of our jurisprudence. Service jurisprudence has recognized it for long years in allowing for the authority of the court to interfere when the finding or the penalty are disproportionate to the weight of the evidence or misconduct. Judicial craft lies in maintaining a steady sail between the banks of these two shores which have been termed as the two ends of the spectrum. Judges do not rest with a mere recitation of the hands-off mantra when they exercise judicial review. To determine whether the finding in a disciplinary enquiry is based on some evidence an initial or threshold level of scrutiny is undertaken. That is to satisfy the conscience of the court that there is some evidence to support the charge of

misconduct and to guard against perversity. But this does not allow the court to re-appreciate evidentiary findings in a disciplinary enquiry or to substitute a view which appears to the judge to be more appropriate. To do so would offend the first principle which has been outlined above. The ultimate guide is the exercise of robust common sense without which the judges' craft is in vain."

In *Union of India v. P. Gunasekaran*, this Court held that the High Court in exercise of its power under Articles 226 and 227 of the Constitution of India shall not venture into re-appreciation of the evidence. The High Court would determine whether : (a) the enquiry is held by the competent authority; (b) the enquiry is held according to the procedure prescribed in that behalf; (c) there is violation of the principles of natural justice in conducting the proceedings; (d) the authorities have disabled themselves from reaching a fair conclusion by some considerations which are extraneous to the evidence and merits of the case; (e) the authorities have allowed themselves to be influenced by irrelevant or extraneous considerations; (f) the conclusion, on the very face of it, is so wholly arbitrary and capricious that no reasonable person could ever have arrived at such conclusion; (g) the disciplinary authority had erroneously failed to admit the admissible and material evidence; (h) the disciplinary authority had erroneously admitted inadmissible evidence which influenced the finding; (i) the finding of fact is based on no evidence.

In paragraph 13 of the judgment, the Court held that :

"13. Under Articles 226 / 227 of the Constitution of India, the High Court shall not :

- (i) re-appreciate the evidence;
- (ii) interfere with the conclusions in the enquiry, in the case the same has been conducted in accordance with law;
- (iii) go into the adequacy of the evidence;
- (iv) go into the reliability of the evidence;

- (v) interfere, if there be some legal evidence on which findings can be based;
 - (vi) correct the error of fact however grave it may appear to be;
 - (vii) go into the proportionality of punishment unless it shocks its conscience."
- (Emphasis Supplied)

10. From the ratio laid down above, it is implicitly clear that the Courts, in exercise of its power of judicial review, cannot extend the examination to the correctness of the act of the disciplinary authority, but only limit itself to the manner in which the decision has been arrived at by the authorities and whether the same is in accordance with law. This Court is to test only the correctness of the decision arrived at by the authorities on the basis of the evidence before it and not proceed with the case as if it is an appeal against the impugned order.

11. In the case on hand, it is not the case of the petitioner that he has not been provided with adequate opportunity to represent his case and that there was violation of principles of natural justice in the conduct of enquiry. However, it is the case of the petitioner that the authorities have not taken into consideration his explanation in proper perspective relating to his remand and have branded him as a deserter, which shows non-application of mind on the part of the authorities, which makes the impugned order liable for interference.

12. It is to be pointed out that the standard of proof required in a departmental proceedings is not in the same league as the standard of proof required to establish a charge in a criminal case. Disciplinary enquiries have to abide by the rules of natural justice. But they are not governed by strict rules of evidence which apply to judicial proceedings. The standard of proof is hence not the strict standard which governs a criminal trial, of proof beyond reasonable doubt, but a civil standard governed by a preponderance of probabilities. While the standard of proof in a criminal trial would be on the basis of the provisions of the Evidence Act and other statutes, however, in the departmental proceedings, it is only on the touchstone of preponderance of probabilities, the evidence is evaluated and, therefore, it is impermissible to equate the way in which the evidence ought to be evaluated.

13. The Hon'ble Supreme Court, in Rajendra Kumar Dubey's case (supra), following the ratio laid down in Gunasekaran's case has held that the High Court, sitting under Article 226 of the Constitution, while determining its scope of interference in

a departmental proceedings is only bound to determine whether (a) the enquiry is held by the competent authority; (b) the enquiry is held according to the procedure prescribed in that behalf; (c) there is violation of the principles of natural justice in conducting the proceedings; (d) the authorities have disabled themselves from reaching a fair conclusion by some considerations which are extraneous to the evidence and merits of the case; (e) the authorities have allowed themselves to be influenced by irrelevant or extraneous considerations; (f) the conclusion, on the very face of it, is so wholly arbitrary and capricious that no reasonable person could ever have arrived at such conclusion; (g) the disciplinary authority had erroneously failed to admit the admissible and material evidence; (h) the disciplinary authority had erroneously admitted inadmissible evidence which influenced the finding; (i) the finding of fact is based on no evidence.

14. Further, it is to be stressed that the Court in its power of judicial review does not act as appellate authority to re appreciate the evidence and to arrive at its own independent findings on the evidence. The disciplinary authority is the sole judge of facts. Where appeal is presented, the appellate authority has coextensive power to reappreciate the evidence or the nature of punishment. In a disciplinary inquiry, the strict proof of legal evidence and findings on that evidence are not relevant. Adequacy of evidence or reliability of evidence cannot be permitted to be canvassed before the Court. It has been the consistent view of the Courts that the nature of evidence required in a disciplinary proceedings is not in the same level as required in a criminal trial, as in the disciplinary proceedings, the finding is arrived at on the basis of preponderance of probabilities. In such a scenario, it is not the function of the High Court under its writ jurisdiction to review the evidence, and arrive at an independent finding on the evidence. If the enquiry is properly held within the four boundaries of legal necessities, then the departmental authority is the sole judge of facts, and if there is some legal evidence on which the findings can be based, the adequacy or reliability of that evidence is not a matter which can be permitted to be canvassed before the High Court in a writ petition. An error of law which is apparent on the face of the record can be corrected by a writ court, but not an error of fact, however grave it may be. High Court in exercise of its power under Articles 226 and 227 of the Constitution of India shall not venture into re-appreciation of the evidence and further the Supreme Court has also codified the circumstances under which re-appreciation of evidence is permissible.

15. As pointed out above, when the petitioner has no quarrel with the enquiry and the enquiry having been conducted

in accordance with law and the petitioner having been provided with sufficient opportunity to put forth his case, this Court, should be very circumspect while dealing with the case on hand. The enquiry officer has held that some of the charges framed against the petitioner has been proved. To substantiate the same, the enquiry officer has relied on documentary evidence. It is to be pointed out at this juncture that the enquiry officer has applied his mind to the materials placed before him and has arrived at the just and reasonable finding, as some of the charges have been held not proved. If really the intention of the respondents were to make the petitioner the scape goat, nothing prevented the enquiry officer from holding that all the charges framed stood proved. But the enquiry officer, on proper application of mind to the materials, has submitted his report.

16. Equally so, on the submission of the enquiry report, the disciplinary authority, on proper application of mind to the materials and also the enquiry report and taking into consideration the gravity of the charges levelled against the petitioner, which has been shown to be proved, the honesty and integrity of the petitioner being the foremost issue in the case and the act of the petitioner is not only unbecoming of an employee, but squarely severs the trust imposed on the delinquent by his employer, has thought it fit to impose the punishment of dismissal from service. On appeal, appreciating the materials before him in proper perspective, the appellate authority has confirmed the imposition of punishment by the disciplinary authority.

17. The enquiry officer, having analyzed the evidence placed before him, has given a finding as to the guilt of the petitioner, which has been accepted by the disciplinary authority on independent application of mind and confirmed by the appellate authority on the basis of the materials available before him. Once the said authorities have given a concurrent view on the basis of the materials, this Court, sitting under Article 226 of the Constitution of India, shall desist from interfering with such a decision, unless it is shown to be so very perverse and is not on the basis of materials available on record. In the case on hand, as aforesaid, independent application of mind in exhibited in all the orders passed by the concerned authorities and all the orders are speaking orders, which dovetail all the details based on which the said conclusion have been arrived at. Therefore, the technical pleas raised by the petitioner cannot be gone into by this Court under Article 226 of the Constitution.

18. Proceeding to analyse the facts of the present case to find out whether the punishment awarded to the petitioner is just and reasonable, the ratio laid down with regard to matters

in which punishment has been imposed, which is impugned under Article 226 of the Constitution requires to be considered.

19. It has been the consistent view of the Courts that it is always within the domain of the appointing authority to decide on the punishment to be imposed on the delinquent, which should be proportionate to the act of the delinquent. Only when the punishment is disproportionate and shocking to the conscience, should the courts interfere in the same in exercise of powers under Art. 226 of the Constitution. In Prem Nath Bali - Vs - High Court of Delhi (2015 (16) SCC 415), the Hon'ble Supreme Court held as under :-

"20. It is a settled principle of law that once the charges levelled against the delinquent employee are proved then it is for the appointing authority to decide as to what punishment should be imposed on the delinquent employee as per the Rules. The appointing authority, keeping in view the nature and gravity of the charges, findings of the inquiry officer, entire service record of the delinquent employee and all relevant factors relating to the delinquent, exercised its discretion and then imposed the punishment as provided in the Rules.

21. Once such discretion is exercised by the appointing authority in inflicting the punishment (whether minor or major) then the courts are slow to interfere in the quantum of punishment and only in rare and appropriate case substitutes the punishment. Such power is exercised when the court finds that the delinquent employee is able to prove that the punishment inflicted on him is wholly unreasonable, arbitrary and disproportionate to the gravity of the proved charges thereby shocking the conscience of the court or when it is found to be in contravention of the Rules. The Court may, in such cases, remit the case to the appointing authority for imposing any other punishment as against what was originally awarded to the delinquent employee by the appointing authority as per the Rules or may substitute the punishment by itself instead of remitting to the appointing authority."

(Emphasis Supplied)

20. In the case on hand, as discussed above, the petitioner has not only been implicated in very many crimes against him and remanded to judicial custody, but has refrained from bringing

the said matter to the knowledge of his superiors at the earliest point of time. The said conduct of the petitioner is not in consonance with the post held by him, being a member of a disciplined service and, therefore, the disciplinary authority, on the materials placed before him, including the enquiry report, has imposed punishment which has been confirmed by the appellate and the revisional authorities. On a holistic consideration of the entire issue, this Court is of the considered view that pursuant to proper enquiry and based on the enquiry report and the materials, the disciplinary authority has imposed the punishment on the petitioner, which has been confirmed by the appellate and the revisional authorities, which punishment, could in no way be said to be disproportionate or shocking the conscience of the Court warranting interference. The petitioner has not proved that the punishment imposed on him is arbitrary or bad or the punishment is disproportionate to the gravity of the proved charges and is in contravention of the rules. In such circumstances, this Court is of the considered view that the punishment imposed on the petitioner is just and reasonable and the same does not warrant any interference at the hands of this Court.

21. For the reasons aforesaid, this writ petition is devoid of merits and deserves to be dismissed. Accordingly, this writ petition is dismissed. Consequently, connected miscellaneous petition is closed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

jrs

To

- 1.The Registrar of Co operative Societies,
Chennai.
- 2.The Additional Registrar,
Co operative Societies,
Chennai.
- 3.The Joint Registrar co operative Societies,
Villupuram.
- 4.The Deputy Registrar of Cooperative Societies,
Tirukoilur.

5.The Special Officer,
Tirunavalur Farmers Service Cooperative Society,
Tirunavalur,
Villupuram District.

6.The Secretary,
Tirunavalur Farmers Service Cooperative Society,
Tirunavalur, Villupuram District.

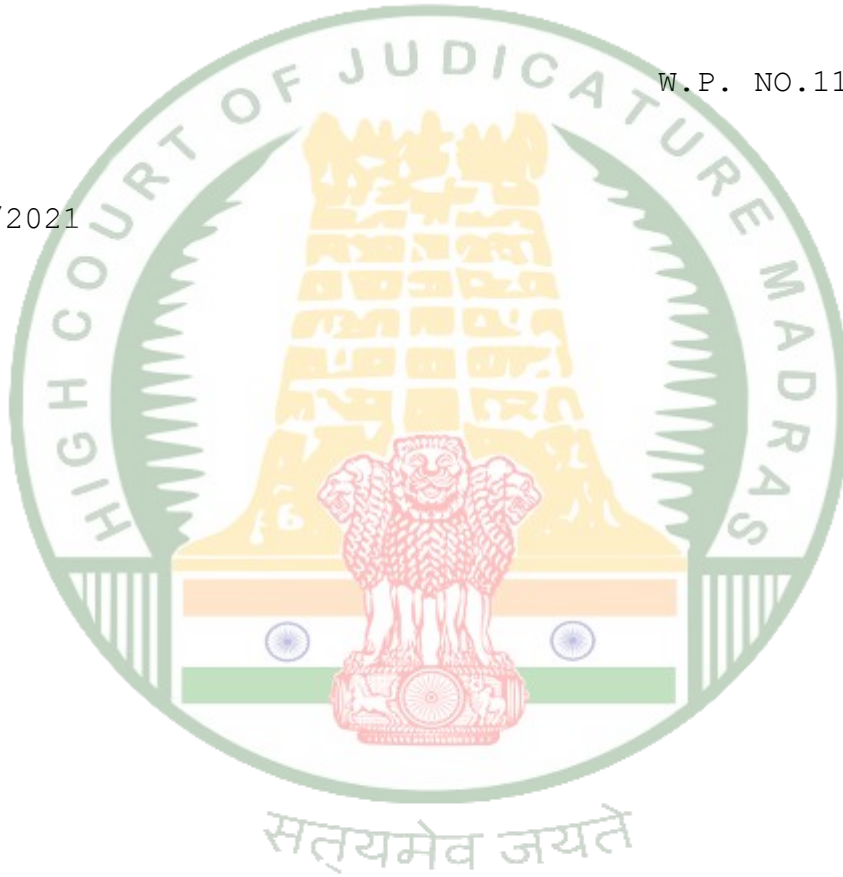
+lcc to M/s.N.Suresh, Advocate, S.R.No.41900

+lcc to M/s.M.S.Palaniswamy, Advocate, S.R.No.41762

+lcc to the Government Pleader, S.R.No.41839

W.P. NO.11566 of 2014

AK I (CO)
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