



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2021

CORAM

THE HONOURABLE MR. JUSTICE M.GOVINDARAJ

W.P.No.19007 of 2013

S.Kamaraj

... Petitioner

Vs.

1.The Commissioner of Municipal Administration
Chepauk, Chennai-5.

2.The Secretary to Government
Municipal Administration & Water Supply Department
Fort St. George,
Chennai-9.

... Respondents

PRAYER: The Writ Petition has been filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the records of the respondents 1 & 2 in connection with the impugned order passed in ROC No.46292/2003/OP3 dated 16.10.2009 and G.O (D) No.315 Municipal Administration and Water Supply (ME.4) Department dated 17.06.2013 and quash the same.

For Petitioner : Mr.Venkataramani, Senior Counsel
for

Mr.M.Muthappan

For Respondents: Mr.C.Selvaraj Govt.Advocate

O R D E R

Petitioner has challenged the order of punishment of stoppage of increment for three years with cumulative effect imposed on him. The petitioner while serving as Revenue Inspector was issued with a charge memo dated 01.09.2008. The gravamen of charge is that being an immediate superior has failed to perform the routine supervisor duty resulting in misappropriation of Municipal funds to the tune Rs. 11,56,353/- by one H.B. Halan Revenue Assistant and thereby failed to maintain absolute integrity and devotion to duty.



six months without cumulative effect. There is no evidence with regard to the disciplinary proceedings against the executive authorities such as Assistant Revenue Officer and Revenue Officer, who are equally responsible.

WEB COPY

8. I could not understand as to how the officials, who were supervising the affairs as that of the petitioner were imposed with a lesser punishment and as to why major punishment was imposed to the petitioner. There is absolutely no discussion about it in the punishment order. As discussed above, on a perusal of the entire records, it is seen that no materials are found to prove the specific allegations of negligence against the petitioner. However the fact remains that a sum of Rs. 11,56,353/- was misappropriated during which time the petitioner was also holding office. When a lighter punishment was imposed to the Officers, who are directly connected to the collection of amount and making entries, similar treatment should have been extended to the petitioner also. The disciplinary authority ought not to have adopted different yardsticks for the delinquent involved in the same misconduct. Without any specific finding as to charges and without any discussion as to the proportionality of the punishment, the disciplinary authority imposed the punishment in a discriminatory manner does stand the scrutiny of law and cannot be sustained.

9. In that view of the matter, this Court is inclined to modify the order to one of withholding of increment for six months without cumulative effect as it was done in respect of similarly placed Revenue Inspector.

10. Writ petition is partly allowed with the above directions. It is stated that the petitioner has already attained the age of superannuation and therefore the respondents are directed to calculate all the terminal benefits in accordance with the modified punishment and disburse all the monetary benefits to the petitioner within three months from the date of receipt of the order copy. No costs.

Sd/-
Deputy Registrar (CS)

//True Copy//

Sub Assistant Registrar



To

1.The Commissioner of Municipal Administraion
Chepauk, Chennai-5.

2.The Secretary to Government
Municipal Administration & Water Supply Department
Fort St. George,
Chennai-9.

+1cc to Mr.M.Muthappan, Advocate Sr.36151
+1cc to the Government Pleader Sr.36244

W.P.No.19007 of 2013

ak-II[co]
srg 02/11/2021