

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.01.2021

CORAM :

The Hon'ble Mr.SANJIB BANERJEE, THE CHIEF JUSTICE
AND
The Hon'ble Mr.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.9724 of 2020
and W.M.P.No.11838 of 2020

A.Rajendran

..Petitioner

-vs-

The Principal District Judge,
Principal District Court,
Villupuram.

..Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus to call for the records of the respondent in A.No.1106 of 2019 dated 18.11.2019 and quash the same and thereby direct the respondent to restore all the benefits including the increment which was sought to be withheld pursuant to the impugned order.

For Petitioner : Mr.N.Suresh

For Respondent : Mr.V.Vijay Shankar

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

The matter pertains to a staff in the Principal District Court at Villupuram.

2.The writ petitioner, originally a Bench Clerk, was found to have returned non-judicial stamp papers worth Rs.20,000/- to advocate for one of the parties without there being a judicial order directing him so to do. The District Judge called for an explanation, found such explanation to be unsatisfactory and held that the Clerk should not have conducted himself in the manner that he had. On the basis of such finding, the Principal District Judge imposed a punishment of stoppage of increment for one year without cumulative effect.

3.It is submitted on behalf of the delinquent that whatever the delinquent was found guilty of did not amount to any serious

lapse or anything pertaining to moral turpitude. It is fairly submitted that the writ petitioner should not have returned the non-judicial stamp papers without being so required by a judicial order or by the Judge presiding over the relevant Court, but the act did not result in any prejudice to any person or any loss.

4.Considering the nature of the charge and even if it is assumed that there was an act of impropriety on the part of the writ petitioner herein, the punishment appears to be rather disproportionate and shocks the Court's conscience. For the kind of lapse that was noticed, the Principal District Judge would have done better if a censure or reprimand was issued and the concerned clerk required to be more careful in future.

5.Accordingly, the Writ Petition, W.P.No.9724 of 2020, is allowed by setting aside the order of punishment contained in paragraph 6 of the impugned order dated November 18,2019 and by substituting the same by issuing a censure and requiring such censure to be noted in the career records of the writ petitioner and by calling upon the writ petitioner to be more careful in future.

The consequential order of November 21, 2019 based on the order of punishment of November 18, 2019 stands set aside. The writ petitioner will be restored in his position and be entitled to all pecuniary benefits that he would enjoy in the usual course without the impugned order prejudicing him in such regard. There will be no order as to costs.

Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

To

The Principal District Judge,
Principal District Court,
Villupuram.

+1cc to M/s.N.Suresh, Advocate, Sr.No.1872

W.P.No.9724 of 2020

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