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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.09.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P.No.19429 of 2021

G.Sengottaiyan

... Petitioner

-vs-

1 The Registrar General,
Madras High Court,
Chennai-600 104.

2 The Principal District Judge,
Erode.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari and Mandamus calling for the records of the impugned order passed by the 1st respondent in Appeal in R.O.C.No.41239/2020/C1 dated 07.05.2021 confirming the order of dismissal passed by the 2nd respondent in A.No.144/2016 dated 06.02.2020 quash the same and consequently direct petitioner's reinstatement.

For the Petitioner : Mr.R.Prabakar

For the Respondents : Mr.Karthik Ranganathan

* * * * *

ORDER

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

The petitioner questions the propriety of an appellate order passed in disciplinary proceedings against the petitioning Office Assistant in the court of Judicial Magistrate-III at Erode. The petitioner contends that the appellate authority failed to appreciate that the relevant charge pertaining to the petitioner receiving a bribe had not been made out, but on other material the original punishment of dismissal from service was upheld.



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2. The appellate authority held that the petitioner herein had proved the case of the complainant. As recorded in the appellate order of May 7, 2021, the present petitioner furnished his initial explanation on June 8, 2016 when he claimed that he had met the complainant and had required the complainant to hand over a cover containing the money to the petitioner. The petitioner also asserted that he had received the cover and had returned the same to the complainant. On the basis of the material available before the appellate authority, the appellate authority agreed that the finding of the disciplinary authority that the meeting as alleged by the complainant stood proved.

3. The appellate authority thereafter noticed that a completely different case had been made out subsequently by the petitioner herein, to the effect that his wife had borrowed money from the complainant as they required the same for their son's admission to college. The case made out at this stage by the petitioner herein was that though a loan of Rs.1 lakh was sought, only Rs.75,000/- was made available and such loan was subsequently repaid.

4. The appellate authority noticed that in course of the cross-examination of the wife of the petitioner herein, "she has admitted that her husband has repaid a sum of Rs.4,15,000/- to the complainant". The appellate authority observed that when such answer was furnished by the wife of the petitioner herein, the petitioner had looked "balefully at his wife for having given such an answer". It is in such circumstances that the appellate authority found that there was enough material that substantiated the complainant's case of the petitioner herein having sought and obtained a bribe.

5. On the basis of the material before the appellate authority, there was no ground made out for showing any lenience to the petitioner, who was a part of the staff in a court of law. If anything, courts and disciplinary authorities have been far too lenient to staff and officers that had led to the undesirable increased level of corruption found now. It may also be added that for every case when a charge of such nature is proved, there are several which are not proved because of appropriate material not being available.

6. In the light of the facts as they panned out before the disciplinary authority and the appellate authority and the specific answer of the petitioner's wife, there was no scope for the appellate authority to interfere with the findings rendered by the disciplinary authority or the punishment deservingly meted to the petitioner herein.



There is no basis to the petitioner's challenge to the appellate order. W.P.No.19429 of 2021 is dismissed. There will be no order as to costs.

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Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

sra

To:

- 1 The Registrar General
Madras High Court
Chennai-600 104.
- 2 The Principal District Judge,
Principal District Court,
Erode

+lcc to Mr.R.Prabakar, Advocate SR.No. 47087

W.P.No.19429 of 2021

SRA(CO)
A.SK(24.09.2021)