



WEB COPY

W.P.Nos. 35069 & 35093 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos. 35069 & 35093 of 2016

and

W.M.P.No. 30228 & 30243 of 2016

1. V. Rajendiran

.. Petitioner in
W.P.No. 35069 of

2016

2. K. Govindasamy

.. Petitioner in
W.P.No. 35093 of

2016

Vs.

The Revenue Divisional Officer
O/o. Revenue Divisional Office,
Krishnagiri District.

... Respondent
in both WPs.

Prayer in W.P.No. 35069 of 2016 : Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a writ of Mandamus, to forbear the respondent from in any manner proceeding departmentally by relying on the judgment of the trial court made in Spl CC No. 28/2009 dated 18.04.2016 pending disposal of CA:338/2016 pending on the file of this Court.

Prayer in W.P.No. 35069 of 2016 : Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a writ of Mandamus, to forbear the respondent from in any manner proceeding further/terminating/dismissing him from service pursuant to the judgment given by the Chief Judicial



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Magistrate, Krishnagiri in Spl CC No. 28/2009 dated 18.04.2016 pendency of CA:338/2016 before this Court.

For Petitioners

: M/S. Selvi George

For Respondents

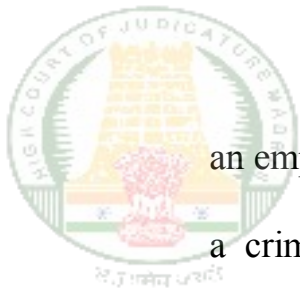
: Mr. T.K. Saravanan

Government Advocate

COMMON ORDER

The relief sought for in the present writ petitions is to forbear the respondent from in any manner proceeding departmentally or terminating/dismissing by relying on the judgment of the trial court made in Spl CC No. 28/2009 dated 18.04.2016 pending disposal of the Criminal Appeal in CA:338/2016, pending on the file of this Court.

2. The principles regarding the initiation of departmental disciplinary proceedings against the public servants are constituted. Mere pendency of a criminal case and an order of acquittal in the said criminal case, would not be a bar for initiation of departmental disciplinary proceedings against the Government servants. The procedures to be followed in departmental disciplinary proceedings are entirely different. To convict a person under the criminal law, high standard of proof is required. However, no such strict proof is required to punish of an employee under the departmental disciplinary proceedings. Preponderance of probability is sufficient to punish



an employee under the Disciplinary and Appeal Rules. Thus, the pendency of a criminal case or acquittal in a primal case, would not be a ground to exonerate from the departmental disciplinary proceedings. So also, pendency of a criminal appeal is also not a bar for continuing the disciplinary proceedings against the Government servant. At the outset, no Government servant can claim exoneration from the disciplinary proceedings merely on the ground that he was acquitted in a criminal case or a criminal appeal is pending against the order passed by the trial court. The departmental disciplinary proceedings are independent and the competent authority is empowered to initiate departmental disciplinary proceedings independently based on the records available. This being the factum, the relief as such sought for in the writ petitions is absolutely misconceived and cannot be considered. Accordingly the writ petitions stand dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

03.11.2022

mrn

Index : Yes / No

Speaking order / Non-Speaking order



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S.M.SUBRAMANIAM, J.

mrn

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and
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