



W.P.No.16691 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 25.11.2022

Coram:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.16691 of 2020

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M.Ratna Ravaneswaran

.. Petitioner

Vs.

1. The Government of Tamil Nadu,
Represented by its Principal Secretary,
Handlooms, Handicrafts, Textiles and
Khadi (E2) Department,
Fort St.George,
Chennai-600 009.

2. The Director of Handlooms and Textiles,
Chennai-600 108.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records of the first respondent herein in his G.O.(2D).No.11, Handlooms, Handicrafts, Textiles and Khadi (E2) Department, dated 01.09.2020 and quash the same and consequently direct the respondents to settle the entire retirement benefits to the petitioner with effect from 01.07.2014 together with interest at the rate of 24% per annum with effect from 01.07.2014 till the date of realisation.

For petitioner : Mr.K.Raja

For respondents: Mrs.Sangamithirai, Spl.G.P.



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ORDER

This Writ Petition has been filed challenging the impugned order dated 01.09.2020 passed by the first respondent dismissing the petitioner from service.

2. The petitioner worked as Deputy Director of Hand-loom and Textiles in Salem District. Charge was framed against him as well as another person. In the disciplinary proceedings, the petitioner is AO-2. As seen from the charge memo, bribe amount has been received by AO-1, who was working under the petitioner (AO-2), on 04.06.2009, on behalf of the petitioner (AO2).

3. As seen from the impugned Government Order, wherein the petitioner has been dismissed from service, there is a clear finding given by the first respondent that there is no direct evidence against the petitioner (AO2). The said findings are as follows:

"PW-12 has deposed that on behalf of AO-2 demand of Rs.11,300/- was made by AO-1. Accordingly the payment was made by him on 04.06.2009 at 12.00 Noon. During the cross examination he has stated that for the payment of loan amount he paid the amount in the office of the accused officer.

It has come into the evidence of PW-11, PW-12



that demand was made by AO-1 on behalf of AO-2. Apart from this there is no other direct evidence against the AO-2.

This is not a case of no evidence against the AO-2. Considering the evidence available on records and also considering the position of AO-2 in the said office I hold that due diligence was not maintained by him while dealing with public. Accordingly I hold that he failed to do his duty with full devotion. As far as maintaining the absolute integrity is concerned prosecution could not bring the sufficient evidence against the accused officer AO-2."

4. As seen from the afore-said findings, the only adverse remark made against the petitioner was that due diligence was not maintained by him while dealing with the public, and therefore, he had failed to do his duty with full devotion.

5. The first respondent has also given a finding that as far as maintaining the absolute integrity is concerned, the prosecution could not bring sufficient evidence against the petitioner (AO-2). However, despite the said finding, the petitioner has been dismissed from service by the first respondent under the impugned order, dated 01.09.2020.

6. This Court is of the considered view that the punishment imposed on



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the petitioner by the first respondent is disproportionate to the findings of the first respondent and when the first respondent has given a finding that there is no direct evidence against the petitioner and he has been held guilty only for the fact that he did not maintain due diligence while dealing with the public, the question of dismissing him from service which is disproportionate to the said finding, will not arise.

7. Necessarily, the punishment imposed on the petitioner is drastic in nature and it has to be reduced. However, this Court is not expressing any opinion with regard to the punishment that will have to be imposed by the first respondent once the matter is remanded back to him for fresh consideration.

8. Learned counsel for the petitioner also submitted that the petitioner is aggrieved only by the nature of punishment given under the order of the first respondent, which according to the petitioner, is disproportionate to the charge framed against the petitioner as well as the findings given by the first respondent.

9. Learned counsel for the petitioner also submits on instructions that if the impugned order is quashed and the matter is remanded back to the first



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respondent for fresh consideration, the petitioner shall not claim any monetary benefits till the final orders are passed.

10. In the interregnum, the petitioner shall not claim any monetary claim against the respondents and the petitioner shall also not claim any interest if the punishment imposed on him is reduced by the first respondent in the final order to be passed. The said undertaking given by the petitioner through his counsel, is hereby recorded.

11. Since the punishment imposed on the petitioner, as well as the findings given by the first respondent, are disproportionate to the charge framed against the petitioner, necessarily the impugned order will have to be quashed and the matter will have to be remanded back to the first respondent for fresh consideration on merits and in accordance with law, after affording fair hearing to the petitioner, within the time frame to be fixed by this Court.

12. For the above reasons, the impugned order dated 01.09.2020 passed by the first respondent, dismissing the petitioner from service, is hereby quashed and the matter is remanded back to the first respondent for fresh consideration on merits and in accordance with law, after affording a fair hearing to the



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petitioner.

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13. The first respondent is directed to pass final orders on merits and in accordance with law, within a period of four months from the date of receipt of a copy of this order. Learned counsel for the petitioner, on instructions, would submit that the petitioner undertakes that he will not claim any monetary benefits till final orders are passed by the first respondent in the near future for any delayed payment. The same is recorded.

14. In the event of any modification of the punishment by the first respondent in the final order to be passed by him, any eligible monetary benefits and retirement benefits, shall be paid to the petitioner, as expeditiously as possible by the respondents.

15. For the foregoing reasons, this Writ Petition is disposed of. There shall be no order as to costs.

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Index: Yes/no

Speaking Order: Yes/no

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- To
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ABDUL QUDDHOSE, J

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