



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.03.2022

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P. (MD) .No.17720 of 2018

and

W.M.P. (MD) .No.15603 of 2018

M.Stephen

... Petitioner

Vs.

1.The District Educational Officer,
Thoothukudi,
Thoothukudi District.

2.The Manager of R.C.Schools,
Tuticorin Diocesan Association Society,
Catholic Bishop House,
Thoothukudi - 628 001.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records on the file of the second respondent in connection with the impugned order of punishment passed by him vide his proceedings in Ref.No.2012/104 dated 20.03.2012 and the consequential impugned order of rejection of appeal passed by him in his proceedings in Ref.No.2016/51 dated 10.03.2016 and quash the both as illegal.

For Petitioner : Mr.G.Thalaimutharasu

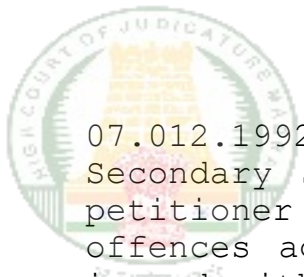
For R-1 : Mr.V.Om Prakash,
Government Advocate (Civil Side).

For R-2 : Mr.A.T.Anbarasan,
For Father Xavier Associates.

ORDER

This Writ Petition has been filed to quash the impugned order dated 20.03.2012 and the consequential rejection order dated 10.03.2016.

2. The petitioner was appointed as Secondary Grade Teacher on 31.03.1992 and promoted as B.T.Assistant and Head Master on



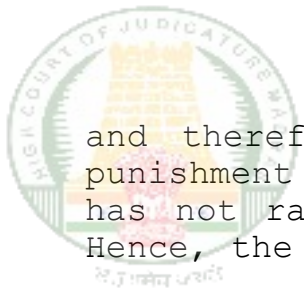
07.012.1992. The petitioner was transferred to St.Joseph Higher Secondary School on 07.05.2001 as Headmaster. On 01.11.2010, the petitioner was suspended from service in order to enquire into grave offences against the petitioner. On 06.11.2010, the petitioner was issued with a charge memo containing 11 counts of charges and the petitioner submitted his explanation on 12.11.2010. The enquiry officer was appointed and the petitioner sought some documents. Without furnishing the documents, the enquiry officer hurriedly conducted the enquiry. The enquiry officer submitted his report on 22.12.2010, where it was held all charges were proved except 8 and 10. The second respondent issued a memo dated 31.12.2010 directing the petitioner to submit explanation to the enquiry report. The petitioner submitted his explanation for each and every charges. On 20.03.2012, the respondents have imposed punishment of stoppage of increment for one year with cumulative effect. The petitioner preferred an appeal against the same authority. The second respondent has passed an order dated 21.02.2016. The petitioner was allowed to join the service after suspension on 21.04.2011. The School has submitted proposal to approve the suspension period and the same was rejected on account of delay for more than six years. The petitioner has challenged about the punishment order and the appellate order.

3. Heard Mr.G.Thalaimutharasu, learned counsel for the petitioner and Mr.V.Om Prakash, learned Government Advocate (Civil Side) for the first respondent and Mr.A.T.Anbarasan, learned counsel for Father Xavier Associates appearing for the second respondent.

4. The allegations against the petitioner is that he has misappropriated some amount and there are other allegations. It is seen from the records that the petitioner has also repaid the misappropriated amount which was quantified as Rs.47,778/-, 11,000/- and 650/- and the contention of the petitioner that he has rectified all the alleged misappropriation.

5. The contention of the petitioner is that the impugned order is a non-speaking order. The petitioner was not paid any subsistence allowance. The charges are very vague. The second respondent has kept the appeal pending for more than four years and thereafter pass an order which caused mental harassment to the petitioner.

6. On perusal of the entire records, it is seen that the punishment imposed on the petitioner is stoppage of increment for one year with cumulative effect. The allegation against the petitioner is misappropriation. The respondent deems it fit to impose the punishment of stoppage of increment with cumulative effect, since the petitioner has already paid the amount. This Court is of the considered view that the punishment is on the lesser side



and therefore this Court is not inclined to interfere with the punishment for the allegation of misappropriation. The petitioner has not raised any valid ground to interfere with the punishment. Hence, the Writ Petition is dismissed.

7. Accordingly, this Writ Petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Nsr

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

The District Educational Officer,
Thoothukudi,
Thoothukudi District.

+1 CC to M/s.FATHER XAVIER ASSOCIATES, Advocate (SR-10388[F] dated 07/03/2022)

+1 CC to M/s.G.THALAIMUTHARASU, Advocate (SR-10836[F] dated 09/03/2022)

+1 CC to M/s.SPL GP (SR-10572[F] dated 08/03/2022)

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MGJ(24.03.2022) 3P 5C