



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 16-10-2023

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

AND

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.P.No.28392 of 2023

M.Jayalakshmi

...

Petitioner

-VS-

1.The Registrar General,
High Court,
Madras.

2.The Principal District Judge,
Salem.

...

Respondents

Petition under Article 226 of the Constitution of India, praying for issuance of a writ of certiorarified mandamus to call for the records relating to the impugned order passed by the first respondent, dated 12.11.2019, made in ROC.No.317/2015/C1 in confirming the order passed by the second respondent, dated 31.12.2014, in ROC No.5457/2004/A, quash the same and consequently direct the respondents to pay all the terminal benefits and family pension within a stipulated time.

For Petitioner : Mr.C.Prabakaran

For Respondent 1 : Mr.A.Durai Eswar

**ORDER**(By *S.Vaidyanathan,J.*)

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This Writ Petition has been filed by the wife of the deceased employee. Departmental and criminal proceedings were initiated against the employee and others with regard to missing of Court Fee Stamp Papers to the tune of Rs.3,27,781/-. After a detailed inquiry, Charge Memo under Rule 17(b) of Tamil Nadu Civil Services (Discipline & Appeal) Rules was issued against the employee and, after considering his explanation and giving him due opportunity, punishment of dismissal was imposed. During the pendency of the proceedings in Criminal Case, which was registered by the District Crime Branch Police Station, Salem, in Crime No.38 of 2004, the employee died on 17.05.2021 and the proceedings got abated. The appellate authority confirmed the order of the disciplinary authority on 12.11.2019. The employee, while in service, did not choose to challenge the proceedings. After a period of four years from the date of the appellate authority's order and on the ground that criminal proceedings got abated, wife of the deceased employee has come forward seeking interference with the order of punishment, stating that the punishment be modified and at least terminal benefits extended.

2. After detailed inquiry and calling for explanation, the punishment of dismissal from service was imposed against the deceased employee. The proceedings before the Criminal Court are based on benefit of doubt, whereas the Departmental



proceedings are based on preponderance of probability. As a detailed inquiry was conducted and punishment imposed against the employee, who did not choose to question the same during his lifetime, we are of the considered view that the punishment imposed by the disciplinary authority, as confirmed by the appellate authority, cannot be interfered with.

3. Writ Petition is, therefore, dismissed. No costs. Consequently, the connected W.M.P.No.27944 of 2023 is closed.

Index : Yes/No
Internet : Yes/No
dixit

(S.V.N.,J.) (K.R.S.,J.)
16-10-2023

To

1.The Registrar General,
High Court,
Madras.

2.The Principal District Judge,
Salem.



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4/4



W.P.No.28392/2023

S.VAIDYANATHAN,J.
AND
K.RAJASEKAR,J.

dixit

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