



W.P.No.23639 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.12.2023

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.23639 of 2017

R.Chitti Babu

... Petitioner

Vs.

1.The State of Tamil Nadu rep. by its
Principal Secretary to Government,
Home (Transport – IIA) Department,
Fort St. George,
Chennai – 9.

2.The Transport Commissioner,
O/O.The Transport Commissioner,
Chepauk,
Chennai -5.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the proceedings of the 1st respondent issued in Letter No.48052/Tr.II-A/2013-14, dated 11.03.2015 and the order of punishment imposed by the 1st respondent in G.O.(2D) No.89, Home (Transport IIA) Department dated 11.04.2017 and quash the same with the consequential direction, directing



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the respondents to consider the petitioner for further promotion on par with his juniors with all attendant and monetary benefits.

For Petitioner : No appearance

For Respondent : Mr.L.S.M.Hasan Fizal
Additional Government Pleader

ORDER

This Writ Petition has been filed to quash the proceedings of the 1st respondent dated 11.03.2015 and the order of punishment imposed by the 1st respondent in G.O.(2D) No.89, Home (Transport IIA) Department dated 11.04.2017 and to respondents to consider the petitioner for further promotion on par with his juniors with all attendant and monetary benefits.

2.It is the case of the petitioner that the petitioner was appointed as Junior Assistant on compassionate ground. Thereafter, he was promoted as Assistant. On 28.01.2011, the petitioner was issued with a charge memo that he has unofficially employed private individuals Mr.P.Madhavan and Mr.V.B.Chandran as Private Writers on weekly wage basis and allowed



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them to made endorsement in the office Register. The said Madhavan was found in possession of Rs.3,800/- which would have been obtained illegal gratification by him from general public. The Tribunal for Disciplinary proceedings has conducted a thorough and detailed enquiry and after assessing all the evidence, as there was no incriminating materials to show to prove the charges levelled against him, has given a clear and categorical findings that the charges levelled against him are not proved. But, after a lapse of nearly 18 months, the 1st respondent vide his proceedings dated 11.03.2015 has deviated with the final report of the Commissioner and the Tribunal without any dissenting notes and without any basis has taken a firm view that the charges were proved against him in an arbitrary and illegal manner.

3. Thereafter, the petitioner submitted his representation that the disciplinary authority has not given any descending notes against the view of the Tribunal insofar as Charges 3 and 4 framed against him, the disciplinary authority has not differed with the findings of the Tribunal and



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given any descending note for not accepting the Tribunals findings. As such, the findings of the Tribunal that charges 3 and 4 framed against him were not provable by facts, remain undisputable one and become final and requested to drop the proceedings. But, the respondent without considering the genuine representation, in his proceedings dated 11.04.2017 has imposed the punishment of stoppage of increment for a period of one year with cumulative effect in an illegal manner.

4.The learned Additional Government Pleader appearing for the respondents would submit that charges have already been dropped in respect of four delinquents by the Government and further, the Tribunal ordered that no case is made out against them.

In view of the same, the impugned order of the 1st respondent dated 11.03.2015 and the order of punishment imposed by the 1st respondent in G.O.(2D) No.89, Home (Transport IIA) Department dated 11.04.2017 are quashed. The representation of the petitioner can be considered by the



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Authorities, if otherwise he is eligible for promotion. The Government by its proceedings dated 06.03.2018 has considered the same and that no case is made out against the four members.

Accordingly, this Writ Petition is allowed. No costs.

12.12.2023

Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
mps

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V.BHAVANI SUBBAROYAN, J,

mps

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