



W.A.No.3367 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.12.2023

CORAM

THE HON'BLE Mr. JUSTICE R. MAHADEVAN
AND
THE HON'BLE Mr. JUSTICE MOHAMMED SHAFFIQ

W.A.No.3367 of 2023

K.C.Ravichandran

.. Appellant

Vs.

The Additional Chief Secretary to Government
Co-operation, Food and Consumer Protection Department
Secretariat, Chennai-9

.. Respondent

Writ Appeal filed under Clause 15 of Letters Patent Act, against the order
dated 02.08.2023 passed in W.P.No.957 of 2022.

For Appellant : Mr.C.Sivakumar

For Respondents : Mr.Silambanan
Additional Advocate General
Assisted by Mr.C.Selvaraj
Additional Government Pleader

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JUDGMENT

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(Judgment of the court was delivered by R. MAHADEVAN, J.)

Challenging the order dated 02.08.2023 passed by the learned Judge in W.P.No.957 of 2022, the appellant / writ petitioner has preferred this appeal.

2.The appellant, who is working as a Special Officer in the respondent Department, was awarded punishment of stoppage of increment for six months without cumulative effect for the charge that he had failed to insure the computer and other goods in the godown as the same were destroyed in a fire accident and thereby caused loss to the tune of Rs.6,30,000/- to the respondent Department. Aggrieved by the order of punishment, he filed W.P.No.957 of 2022, which was dismissed by the learned Judge, by order dated 02.08.2023, which is impugned in this appeal.

3.The learned counsel for the appellant submitted that the learned Judge has erred in not appreciating the evidence in both the Departmental Enquiry and the Section 87 Enquiry while passing the order. The learned counsel further submitted that The appellant was not an Administrator at the time of accident which took place on 10.07.2013. The charge does not contain any material evidence for arriving at the sum of Rs.6,30,000/- and no material particulars



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were produced by the Department to substantiate the charge and thus, no loss has been caused by the appellant to the Department. As per the order of the Special Officer, Kanchipuram District Consumer Wholesale Store vide No.4192/2000/E7 dated 27.05.2010, only the Secretary / Deputy Secretary is responsible for the insurance of the properties of the store as per Bye Law No.29(c)(ix) and therefore, the appellant is in no way responsible for insuring the properties. Without considering all these aspects, the learned Judge erred in dismissing the writ petition. Therefore, the learned counsel prayed for setting aside the impugned order passed by the learned Judge and to allow the prayer as sought for in the writ petition.

4.On the other hand, the learned Additional Advocate General appearing for the respondent submitted that the learned Judge has passed the order impugned after taking note of the contentions raised on both sides and also the documents on record properly and hence, the same does not require any interference in the hands of this Court.

5.Heard the learned counsel on either side and perused the records carefully and meticulously.

6.Based on the pleadings and the documents produced by the parties, the learned Judge has clearly held that the appellant has been relieved from the



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proceedings under Section 87 of the Tamil Nadu Cooperative Societies Act only

on the ground that there was no wilful negligence established against him and such a finding will not have any bearing on the Departmental Proceedings. With respect to the fixing of responsibility, even it is seen from the Surcharge Proceedings that the appellant has shirked his responsibility, but he has been relieved from the proceedings solely on the ground that shifting of the godown was not informed to him. It is also seen from the records that the appellant has been given opportunity to put forth his case before the authorities. In the circumstances, the learned Judge has correctly held that when the appellant, being a Special Officer, has failed to monitor the things in the office where he has to supervise and hence, it cannot be said that the charges have not been made out and accordingly, dismissed the writ petition. This court does not find any ground much less valid ground to interfere with the order so passed by the learned Judge.

7.In fine, the writ appeal stands dismissed. No costs.

[R.M.D, J.] [M.S.Q, J.]

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Neutral Citation : Yes
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