



W.P.(MD)No.10865 of 2019

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.03.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No. 10865 of 2019

and

W.M.P(MD)No.8323 of 2019

T.Manickavel

... Petitioner

Vs.

1.The Additional Chief Secretary,
Department of Finance (T & A-II),
Secretariat,
Chennai – 600 009

2. The Director,
Treasuries and Accounts Department,
3rd Floor, Integrated Office Complex for
Finance Department,
Veterinary Hospital Campus,
Anna Salai, Nandanam,
Chennai – 600 035.

3. The District Treasury Officer,
Trichy District,
Trichy.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of *Writ of Certiorari*, to call for the records pertaining to the impugned order in Proceedings Ref.Che.Na.Ka.No.12063/2014/Q-2 dated 31.12.2015 on the file of the 2nd respondent and the consequential impugned order in G.O.No.08 dated 02.03.2017, Department of Finance (T&A-II) on the file of the 1st Respondent, and quash the same as illegal.

For Petitioner : Mr.G.Karthik, for
M/s.T.Lajapathi Roy

For Respondents : Mr.M.Lingadurai
Special Government Pleader

ORDER

This writ petition is filed challenging the impugned order, dated 31.12.2015 and consequential order in G.O.No.08 dated 02.03.2017, Department of Finance (T&A-II).

2. Heard Mr.G.Karthik, for M/s.T.Lajapathi Roy, learned counsel appearing for the petitioner and Mr.M.Lingadurai, learned Special Government Pleader, appearing for the respondents. Perused the material documents available on record.



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3. The allegation against the petitioner is that the petitioner has not disbursed the Old Age Pension to the old age pension beneficiaries, in time.

4. The contention of the petitioner is, because of the absence of subordinates who were on medical leave, the petitioner could not assign the work to the subordinates. The petitioner could not complete attend other works, apart from the petitioner's work. Hence, there occurred some delay in disbursing the pension in time.

5. The respondents have filed counter and stating that the petitioner and other two subordinates in the Treasury Office have disbursed the Old Age Pension under Social Securities Scheme, belatedly to the beneficiaries. Moreover, the said three persons have demanded Toner and other accessories of the Computers from the general public, which has caused inconvenience to the higher officials. The further contention of the respondents is that, the petitioner and other subordinates are supposed to purchase from the office and cannot demand from



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the general public. Therefore, the respondents have initiated a disciplinary proceeding against the said three persons, under 17(a) of Tamil Nadu Civil Services (D & A) Rules and they have imposed to the punishment. The petitioner was imposed punishment stoppage of increment for one year without cumulative effect.

6. After hearing the rival contentions, this Court is of the considered opinion that the petitioner and other two co-delinquents have preferred complaint for non-availability of network connection. But the respondents have simply stated that the said reason is not acceptable and had proceeded with imposing punishment. When the employees had brought to the knowledge of the higher authorities about the non-availability of network connection, then the higher authorities ought to have taken immediate action, simply blaming the petitioner and co-delinquent is not proper.

7. The next allegation against the petitioner and co-delinquent is that they demanded the Toner, papers and other accessories of the Computers from the general public. The said allegations definitely would have caused inconvenience



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to the higher officials, but the same cannot be considered as misconduct. The petitioner and other co-delinquent had not demanded the same for them, but due to non-availability of such materials the petitioner had demanded it from the public. The petitioner was under the impression that the non-availability is one of the reasons which is causing delay in issuing the payment. Moreover, the respondents have initiated an action against 17(a) of Tamil Nadu Civil Services (D & A) Rules, only. Therefore, the punishment imposed on the petitioner is disproportionate. Moreover, such punishment of stoppage of increment for one year without cumulative effect is causing hindrance to the petitioner's promotional aspect.

8. Since this Court has held that the charges cannot be construed as misconduct, hence the impugned order of punishment is quashed. Consequently, the petitioner is entitled to service and monetary benefits. The respondents shall consider the petitioner's name for promotion as per law. This order shall be implemented within a period of 8 weeks from the date of receipt of a copy of the order.



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9. Having quashed the punishment, this Court is advice the petitioner not to act against the dignity of the Office and they should not have demand the Toner and other accessories from the general public.

10. With the above observations, this Writ Petition is allowed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Index : Yes / No
Internet : Yes
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To

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S.SRIMATHY, J

ksa

**Order made in
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