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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.09.2023**

CORAM:

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR
AND
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRVARTHY**

**W.A(MD)NO.1574 OF 2023
and
C.M.P(MD)No.12203 of 2023**

- 1.The State of Tamil Nadu,
represented by its Additional Secretary to Government,
Finance(T&A-1)Department,
Secretariat,
Chennai – 600 009.
- 2.The District Treasury Officer/Enquiry Officer,
Trichy. :Petitioners/Appellants/Respondents

.VS.

K.Vidya : Respondent/Respondent/Writ
Petitioner

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent
praying this Court to set aside the order passed by this Court in
W.P(MD)No.24734 of 2019, dated 11.10.2022.

For Appellants :Mr.Veera Kathiravan
Addl.Advocate General
assisted by
Mr.J.Ashok,
Addl.Govt.Pleader



For Respondent

:Mr.D.Selvanayagam

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JUDGMENT

[Judgment of the Court was made by **D.BHARATHA CHAKRVARTHY.,J.**]

This Writ Appeal is directed against the order of the learned Single Judge, dated 11.10.2022 in W.P(MD)No.24734 of 2019, in and by which, the Writ Court has allowed the Writ Petition filed by the Writ Petitioner.

2.Mr.D.Selvanayagam, learned counsel is already on record for the sole respondent. By consent of both parties, the Writ Appeal is taken up for final disposal at the admission stage itself.

3.In the Writ Petition, the Writ Petitioner has challenged the Government Orders passed by the first appellant in G.O(2B) No.50, dated 28.09.2018 and G.O(2B)No.46, dated 03.09.2019,wherein, the punishment of censure was imposed as against the Writ Petitioner.

4.The learned Single Judge, after hearing both sides, found that the findings of the Enquiry Officer are perverse and that the charge No.7 is not maintainable and also held that the orders



impugned in the Writ Petition are cryptic, non-speaking and on total non-application of mind and accordingly, the learned Single Judge had allowed the Writ Petition with certain directions.

5. When the matter came up for hearing today, the learned counsel appearing for the sole respondent would submit that as per the impugned orders, the punishment imposed on the Petitioner is only a censure and that none of the retirement benefits were settled and the Writ Petitioner/Respondent has been made to run from pillar to post for getting his retirement benefits. The learned counsel would further submit that the order of punishment of censure shall stand, provided the appellants settle the retirement benefits to the Writ Petitioner/respondent within the time prescribed by this Court.

6. In reply to the same, the learned Additional Advocate General appearing for the appellants would submit that if the Writ Petitioner/respondent concedes to the position that the order of punishment of censure shall stand, he has no further claim in the Writ Appeal.



7. In view of the submissions made on either side, this Court is inclined to dispose of the above Writ Appeal, on the following directions:

(i) the order of the learned Single Judge, dated 11.10.2022 made in W.P(MD)No.24734 of 2019 is set aside;

(ii) the Government Orders impugned in the Writ Petition ie., G.O(2B) No.50, dated 28.09.2018 and G.O(2B)No.46, dated 03.09.2019 shall be in force;

(iii) the Writ petitioner/respondent herein is entitled to all the retirement benefits eligible to him, as the punishment of censure imposed by the first appellant shall stand;

(iv) all the retirement benefits due and payable to the Writ Petitioner/Respondent is directed to be paid to him at the earliest, in any event, preferably within a period of 12 weeks from the date of receipt of a copy of this judgment.

8. With the above directions, the Writ Appeal stands disposed



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of. No costs. Consequently, connected Miscellaneous Petition is closed.

[S.S.S.R.,J.] [D.B.C.,J.]
21.09.2023

Index:Yes/No
Internet:Yes/No
NCC:Yes/No
vsn



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S.S.SUNDAR, J.
AND
D.BHARATHA CHAKRAVARTHY, J.

vsn

JUDGMENT MADE IN
W.A(MD)NO.1574 OF 2023
and
C.M.P(MD)No.12203 of 2023

21.09.2023