



W.A.(MD)No.645 of 2014

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **16.08.2023**

CORAM:

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**
AND
THE HONOURABLE **MR.JUSTICE R.VIJAYAKUMAR**

W.A.(MD)No.645 of 2014

The Chief Executive Officer,
Tamil Nadu Khadi and Village Industries Board,
Kuralagam,
Chennai.

...Appellant

/Vs./

1.M.Velladurai

2.The Secretary to Government,
Handlooms Handicrafts Textiles
and Khadi (F1) Department,
Secretariat, Chennai.

...Respondents

PRAYER:- Writ Appeal - filed under Clause XV of Letters Patent Act, to set aside the judgment made in W.P.(MD)No.6500 of 2008 dated 17.04.2013 “setting aside the award of punishment of stoppage of increment for 3 years without cumulative effect” alone and allow the Writ Appeal.

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For Appellant : Mr.Raghivaran Gopalan
For Respondents : Mr.S.Shaji Bino (R2)
Special Government Pleader
R1 – Died

JUDGMENT

(Judgment of the Court was made by **R.VIJAYAKUMAR, J.**)

The first respondent in the writ petition is the appellant herein. The writ petitioner was a former Regional Deputy Director of Tamil Nadu Khadi and Village Industries Board and he had challenged an order of punishment dated 03.04.2007, under which he was imposed with punishment of stoppage of increment for three years without cumulative effect and recovery of Rs.18,900/-.

2. The said order of stoppage of increment was imposed on the basis of a charge relating to purchase of low quality materials for the footwear unit without adhering to the instructions issued by the Board from time to time. In view of the said misconduct, the Board has



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incurred a notional loss of Rs.18,900/-, which was sought to be recovered under the same order.

3. The Writ Court, after considering the submissions made on either side found that an order of recovery has already been effected but no proper reasons have been assigned for imposing the punishment of stoppage of increment without cumulative effect for a period of three years and proceeded to set aside that portion of the order, after confirming the order of recovery. This portion of the order setting aside the stoppage of increment is under challenge by the Employer.

4. According to the learned counsel appearing for the appellant, once the Writ Court found that the misconduct on the part of the writ petitioner is proved and confirmed the recovery made from him, punishment upon the writ petitioner should not have been interfered with by the Writ Court, in view of the greivous charges on him. Pending writ appeal, the delinquent officer / writ petitioner had passed away and the Employer is unable to trace out his legal heirs to implead them.



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5. The delinquent officer has also filed writ appeals in W.A.(MD)Nos.643 and 644 of 2014. The two orders of punishment dated 11.06.2003 and 04.08.2006 and a fine of Rs.10,000/- imposed upon the writ petitioner were challenged by him in W.P.(MD)No.10379 of 2006, also confirmed by the writ Court, which was challenged by the delinquent officer in W.A.(MD)No.643 and 644 of 2014. After death of the delinquent officer, his legal heirs have not evinced any interest to get themselves impleaded and therefore, those writ appeals have already been dismissed for non prosecution.

6. The monetary impact of the misconduct on the part of the delinquent officer is only a sum of Rs.18,900/-, which has already been recovered. Apart from that, a fine of Rs.10,000/- imposed upon the said officer has also been recovered.

7. According to the learned counsel for the appellant, if the unrecovered stoppage of increments are monetized, it would be to the tune of Rs.16,164/-.



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8. When the entire loss caused due to the misconduct has already been recovered to the extent of Rs.28,900/- which is more than what is sought to be recovered by way of monetizing the unrecovered stoppage of increments, this Court does not find any reason to interfere with the order of the learned Single Judge, especially when the delinquent officer had already passed away. Moreover, the quantum of amount that is sought to be recovered by way of this writ appeal would not justify the events in the writ appeal.

9. In view of the above facts, this Writ Appeal stands dismissed. No costs.

[A.S.M.J.] & [R.V.J.]
16.08.2023

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



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DR.ANITA SUMANTH, J.
AND
R.VIJAYAKUMAR, J.

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TO:

The Secretary to Government,
Handlooms Handicrafts Textiles
and Khadi (F1) Department,
Secretariat, Chennai.

Judgment made in
W.A.(MD)No.645 of 2014

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