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W.P.(MD) Nos.17014 & 17015 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.10.2023

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN**

W.P.(MD) Nos.17014 & 17015 of 2015

and

M.P.(MD) Nos.1 & 1 of 2015

and

W.M.P.(MD) Nos.597 & 598 of 2016

W.P.(MD) No.17014 of 2015:

C.Jagadeesan

... Petitioner

-vs-

1.The State of Tamil Nadu
rep.by its Secretary of Law
Department of Law
Secretariat, St.George Fort, Chennai

2.The Hon'ble Registrar (Administration)
Madurai Bench of Madras High Court
Madurai

3.The Principal District Judge
Karur, Karur District

4.The District Munsif
Kulithalai Taluk, Karur District

... Respondents

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W.P.(MD) Nos.17014 & 17015 of 2015

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari calling for the records comprised in impugned order of the fourth respondent in DP 2 of 2015, dated 17.06.2015 and quash the same as being arbitrary, illegal and ultra vires the provisions of Tamil Nadu Civil Services (Discipline and Appeal) Rules.

For Petitioner : Mr.R.Murali

For Respondents : Mr.T.Amjadkhan
Government Advocate for R1
Mr.T.S.Mohamed Mohideen for R2 to R4

W.P.(MD) No.17015 of 2015:

C.Jagadeesan

... Petitioner

-VS-

- 1.The State of Tamil Nadu
rep.by its Secretary of Law
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3.The Principal District Judge
Karur, Karur District

4.The District Munsif
Kulithalai Taluk
Karur District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari calling for the records comprised in impugned order of the fourth respondent in DP 3 of 2015, dated 17.06.2015 and quash the same as being arbitrary, illegal and ultra vires the provisions of Tamil Nadu Civil Services (Discipline and Appeal) Rules.

For Petitioner : Mr.R.Murali

For Respondents : Mr.T.Amjadkhan
Government Advocate for R1
Mr.T.S.Mohamed Mohideen for R2 to R4

COMMON ORDER

[Order of the Court was made by S.M.SUBRAMANIAM, J.]

These writ petitions have been instituted challenging the orders of punishment, dated 17.06.2015, passed in D.P.Nos.2 & 3 of 2015, by the fourth respondent.



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2. The petitioner was appointed as Junior Assistant, in Sub Court, Thiruvannamalai, on 03.02.2010 through Tamil Nadu Public Service Commission. Two charge memos were issued against him, admittedly, under Rule 17(a) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules (for brevity, “Discipline and Appeal Rules”). A show cause notice was issued to the petitioner, who in turn submitted his explanation denying the allegations set out in the charge memos. The Disciplinary Authority considered the explanation submitted by the delinquent employee and imposed the penalty of stoppage of increment for one year with cumulative effect against each charge memo.

3. Learned counsel for the petitioner mainly contended that the punishment of stoppage of one increment with cumulative effect is the major penalty and therefore, the punishment imposed on the petitioner is in violation of the Discipline and Appeal Rules.



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4. Under Rule 8 of the Discipline and Appeal Rules, any of the minor penalties is to be imposed in the event of framing charges under Rule 17(a) of the Discipline and Appeal Rules. Admittedly, in the present case, charge memos were issued under Rule 17(a) of the Discipline and Appeal Rules, but imposed a punishment of stoppage of one increment with cumulative effect, which is the major penalty against each charge memos. Thus, the punishment imposed on the petitioner is excessive and not in consonance with the Rule 8 of the Discipline and Appeal Rules.

5. Accordingly, the writ petitions are disposed of with the following directions:

- (i) The impugned orders of punishment, dated 17.06.2015 passed in D.P.Nos.2 & 3 of 2015, by the fourth respondent, are quashed.
- (ii) The matter is remanded back to the fourth respondent only for the limited purpose of imposing revised punishment under Rule 8 of the Discipline and Appeal Rules.



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- (iii) It is clarified that minor penalty alone is to be imposed in respect of the charges framed against the petitioner under Rule 17(a) of the Discipline and Appeal Rules.
- (iv) The respondents are directed to pass a fresh order imposing any of the minor penalties in commensuration with the gravity of the charges proved against the petitioner.
- (v) Such an exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order.
- (vi) No costs. Consequently, connected miscellaneous petitions are closed.

[S.M.S., J.]

[V.L.N., J.]

13.10.2023

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

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To:
The Secretary of Law,
Department of Law,
State of Tamil Nadu,
Secretariat,
St.George Fort, Chennai.



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S.M.SUBRAMANIAM, J.
and
V.LAKSHMINARAYANAN, J.

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