



W.P.No.1303 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.12.2024

CORAM

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.No.1303 of 2021
and W.M.P.No.37146 of 2024

S.Anthonysami

... Petitioner

Vs.

1. The District Collector,
Collectorate Building,
Cuddalore – 1
2. The District Revenue Officer,
South Arcot, Cuddalore,
Cuddalore District.
3. The Tahsildar,
Panruti Taluk.
Cuddalore District.
4. The Village Administrative Officer,
Vadakuthu Village,
Panruti Taluk

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the 1st respondent pertaining to the impugned order dated 30.11.2020 in



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A6/28265/2014 and quash the same and consequently direct the respondent to count the service the service of petitioner from the date of appointment to till date and pay all full monetary benefits, continuity of service and all attendant benefits till date.

For Petitioner : Ms.S.Pavithra
for Mr.S.Haja Mohideen Gisthi

For Respondents : Mr.R.U.Dinesh Rajkumar
Additional Government Pleader

ORDER

This Writ Petition has been filed for quashment of the impugned order dated 30.11.2020 passed by the 1st respondent in A6/28265/2014 and consequently, to direct the respondent to count the service of the petitioner from the date of appointment to till date and pay all monetary benefits, continuity of service and all attendant benefits till date.

2. Heard the learned counsel on either side and also perused the materials available on record.

3. This Court has perused the order of this Court dated 28.01.2020



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passed in W.P.No.34676 of 2016 as well as the subsequent order passed by the District Collector, Cuddalore dated 30.11.2020 and the case of the petitioner herein is similar to that of the dispute which arose in the Civil Appeals in C.A.Nos.1763-1764 of 2022 (*the State of Karnataka and another Vs. Umesh*). In the said Civil Appeals, the Hon'ble Supreme Court has passed the following order:

“17. In the exercise of judicial review, the Court does not act as an appellate forum over the findings of the disciplinary authority. The court does not re-appreciate the evidence on the basis of which the finding of misconduct has been arrived at in the course of a disciplinary enquiry. The Court in the exercise of judicial review must restrict its review to determine whether: (i) the rules of nature justice have been complied with; (ii) the finding of misconduct is based on some evidence; (iii) the statutory rules governing the conduct of the disciplinary enquiry have been observed; and (iv) whether the findings of the disciplinary authority suffer from perversity; and (v) the penalty is disproportionate to the proven misconduct. However, none of the above tests for attracting the interference of the High Court were attracted in the present case. The Karnataka Administrative Tribunal having exercised the power of judicial review found no reason to interfere with the award of



punishment of compulsory retirement. The Division Bench of the High Court exceeded its jurisdiction under Article 226 and trenched upon a domain which falls within the disciplinary jurisdiction of the employer. The enquiry was conducted in accordance with the principles of nature of justice. The findings of the inquiry officer and the disciplinary authority are sustainable with reference to the evidence which was adduced during the enquiry. The acquittal of the respondent in the course of the criminal trial did not imagine upon the authority of the disciplinary authority or the finding of misconduct in the disciplinary proceeding.”

4. The subject matter in issue is also similar to that of the Civil Appeals filed in C.A.Nos.1763-1764 of 2022, in which the aforesaid order has been passed.

5. In the light of the decision of the Hon'ble Supreme Court's in the Civil Appeals as stated supra, this Court finds no infirmity in the impugned order dated 30.11.2020 passed by the District Collector, Cuddalore. The writ petition lacks merit and is liable to be dismissed. Accordingly, this Writ



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Petition is dismissed. However, the Competent Authority is directed to settle whatever pending dues are owed to the petitioner forthwith. No costs.

Consequently, connected miscellaneous petition is closed.

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Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

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VIVEK KUMAR SINGH, J.

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