



WEB COPY



W.A.No.98 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2024

CORAM :
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE C.KUMARAPPAN

Writ Appeal No.98 of 2012
and
M.P.Nos.1 and 2 of 2012

M.Sethumadhavan

... Appellant

Vs.

1. The Appeal Committee
Represented by the Chairman,
The Coimbatore City,
Municipal Corporation,
Big Bazar Street,
Coimbatore - 641 001.
2. The Commissioner,
Coimbatore City Municipal
Corporation,
Coimbatore - 641 001.
3. The Regional Director of Municipal Administration,
Kumaran Complex,
Tiruppur.

... Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent to set aside the order passed in W.P.No.48003 of 2006 dated 24.06.2011.



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For Appellant : Mr.V.Chandrasekaran
For R1 and R2 : Mr.Najeeb Usman Khan
Standing Counsel
For R3 : D.Gopal
Government Advocate

J U D G M E N T

(Judgment of the Court was delivered by **S.M.SUBRAMANIAM, J.**)

The writ appeal has been instituted challenging the writ order dated 24.06.2011 made in W.P.No.48003 of 2006.

2. The appellant was working as Field Assistant in Coimbatore City Municipal Corporation. A charge memo was issued on 03.06.1998. The charges framed against the appellant are that:

(i) He demanded money from Saraswathy and obtained a sum of Rs.56,250/- promising to arrange a Government Loan.

(ii) He also promised to arrange an appointment for one Sasikala and got Rs.30,100/- in installments. When that individual asked for refund of the amount, he had only refunded Rs.5,000/-



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(iii) The third charge was that he promised to help in assessing the building owned by one V.Jaganathan and V.Ramasamy in Andal Veedhi and obtained Rs.14,000/-.

3. It is not in dispute that an enquiry was conducted by following due process. During the enquiry, the first and second charges were held proved and the third charge was not held proved. Findings with reference to the proved charges were accepted by the Disciplinary Authority, who in turn passed final orders imposing the punishment of dismissal from service. The appeal filed by the appellant under Rule 11 of the Coimbatore City Municipal Corporation Service (D & A) Rules 1986 was also rejected. Thus, the appellant filed the writ petition. The writ court considered the fact that the punishment of dismissal from service cannot be construed as disproportionate to the gravity of the proved charges. The proved charges are relating to acceptance of bribe. Therefore, there cannot be any leniency in the matter of imposing punishment.



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4. Even at the time of filing of original application before the Tamil Nadu Administrative Tribunal, the appellant was aged about 59 years and now he would be around 82 years. Further, the appellant was imposed with the punishment of dismissal from service based on the proved charges of acceptance of bribe.

5. That being the factum, we do not find any reason to interfere with the findings made by the learned single Judge in the writ order. Consequently, the Writ Appeal stands **dismissed**. No costs. Connected miscellaneous petitions are closed.

[S.M.S.,J.] [C.K.,J.]
07.06.2024

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
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