



W.P.No.31189 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.06.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.31189 of 2014

&

M.P. No.1 of 2014

Mariya Esther

...petitioner

Vs.

1.The State of Tamilnadu
Rep. by its Secretary
Social, Welfare and Nutritious Meal
Programme (Sa Na 8) Department,
Fort St. George, Chennai – 600 009.

2.The Director
Social Defence
Kilpauk, Chennai – 600 010.

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ in the nature of Writ of Ceretiorarified Mandamus to call for records relating to order made in



W.P.No.31189 of 2017

No.15304/A3/2010 dated 26.02.2013 of the 2nd respondent as confirmed by the 1st respondent in G.O.(Pa) No.117 dated 28.11.2013, to quash the same and consequently direct the respondents to extend all benefits both service and monetary, including arrears thereto.

For petitioner : Mr. L.Chandrakumar

For Respondents : Mr. Alagu Goutham
Government Advocate.

ORDER

Challenging the punishment of stoppage of increment for a period of 3 months with cumulative effect passed by the 2nd respondent and confirmed in an appeal by the 1st respondent, the petitioner has filed the above Writ Petition.

2. One of the main grievance that has been addressed by the petitioner in the Writ Petition is that the Appellate Authority was the very same person against whom she had originally filed a complaint



W.P.No.31189 of 2017

and on the basis of which the said person had been imposed with punishment. The petitioner also raised a plea that the order passed by the 1st respondent was a totally non speaking order was a repetition of the order passed by the 2nd respondent.

3. Be that as it may, considering the fact that the petitioner has since retired the learned counsel for the petitioner would submit that it would suffice if the punishment is modified to one with stoppage of increment for a period of 3 months without cumulative effect.

4. The 2nd respondent has filed a counter stating that disciplinary action under Rule 17 (b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, had been initiated against the petitioner for 10 charges for misconduct and insubordination. The Enquiry Officer who had conducted an enquiry after following due procedure had found guilty of 7 charges out of 10 charges. Additional explanation were called for from the petitioner and finally stoppage of increment for a



period of 3 months with cumulative effect was awarded as punishment to the petitioner.

5. Considering the fact that the punishment was commensurate to the offence and as the petitioner had not made out any grounds, the 1st respondent had confirmed the order passed by the 2nd respondent. The 2nd respondent would submit that the petitioner has been given a minimum punishment. Though action had been initiated against her under Rule 17 (b) of the Rules, punishment had been effected as per Rule 17 (a) of the Rules.

6. Heard the learned counsels and perused the records.

7. A perusal of the records would indicate that the disciplinary action was initiated originally under Rule 17 (b) of the Rules. Ten charges had been framed against the petitioner and ultimately the respondent / Enquiry Officer had found her guilty of 7 charges and



W.P.No.31189 of 2017

with reference to 3 charges the petitioner has been found not guilty.

Though disciplinary proceedings had been initiated under Rule 17 (b) of the Rules, ultimately, while imposing the punishment, the petitioner has only been imposed with a punishment of stoppage of increment for 3 months with cumulative effect and the same was confirmed by the appellate authority.

8. It is admitted that the petitioner has superannuated and her only request is to modify the punishment as to one without cumulative effect.

9. Taking note of the fact that though the proceedings were originally initiated under Rule 17 (b) of the Rule the respondents have given a punishment of stoppage of increment for a period of 3 months with cumulative effect. Therefore, taking note of the petitioner having superannuated, interest of justice would be sub served if the same is modified as stoppage of increment for a period of 3 months without



W.P.No.31189 of 2017

cumulative effect.

WEB COPY

10. In the result, the Writ Petition is allowed. Consequently,
the connected Miscellaneous Petition is closed. No costs.

12.06.2024

Index : Yes/No
Internet : Yes/No
kan

To

1.The Secretary
Social, Welfare and Nutritious Meal
Programme (Sa Na 8) Department,
Fort St. George, Chennai – 600 009.

2.The Director

6/8



Social Defence
Kilpauk, Chennai – 600 010.

WEB COPY



W.P.No.31189 of 2014

P.T. ASHA, J,

kan

W.P.No. 31189 of 2014



WEB COPY



W.P.No.31189 of 2017

12.06.2024