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W.P.No.17324 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2024

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.17324 of 2024

and

W.M.P. No. 19105 of 2024

V.Vimal

... Petitioner

Vs

1. The Principal Secretary to Government,
Finance (Treasuries and Account – 2) Department,
Fort St. George, Chennai – 600 009.

2. The District Collector,
Cuddalore.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records connected with the Government order issued in G.O. (4U) No. 09 Finance (Treasuries and Accounts – 2) Department dated 29.02.2024 passed by the first respondent and quash the same and consequently direct the respondents to reinstate the petitioner into service with all attendant benefits.

For Petitioner : Mr. R.Sagadevan



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For Respondents : Mr. E.Vijay Anand,
Additional Government Pleader (for R1)

Mr. G.Velu,
Additional Government Pleader (for R2)

ORDER

The Writ Petition has been filed challenging the order of dismissal passed by the first respondent dated 29.02.2024 in G.O. (4U) No. 09 Finance (Treasuries and Accounts – 2) Department dated 29.02.2024.

2. The petitioner had joined as Junior Assistant in the Revenue Department. In pursuant to the registration of the First Information Report in Crime No. 3 of 2014 for the offences under Sections 409, 468, 471, 477 A and 420 of IPC, the petitioner was arrayed as second accused. On the allegation that the petitioner and others had misappropriated the funds to the tune of Rs.1,62,68,540/- from the Treasury. Thereafter, the petitioner was placed under suspension. After serving the charge memo under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, three charges were framed against the petitioner.



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3. After detailed enquiry conducted by the Commissioner of Treasuries along with enquiry report and show cause notice was served with on the petitioner. However, on receipt of the explanation, the first respondent, who is an Appellate Authority and he is not appointing authority of the petitioner passed order and thereby, imposing punishment of dismissal from service.

4. The only ground raised by the petitioner, the first respondent is not an appointing authority of the petitioner. He was only a Junior Assistant and his appointing authority is only by the Revenue Divisional Officer and the first respondent is an Appellate Authority. Therefore, if the order of dismissal, he lost his appeal remedy before the first respondent. On the sole ground, the order impugned cannot be sustained and it is liable to be quashed.

5. In view of the above, the impugned order dated 29.02.2024 is hereby quashed. The entire records remanded back to the appointing authority, viz., the Revenue Divisional Officer, Cuddalore for passing fresh



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orders on the explanation submitted by the petitioner and the enquiry report, within a period of two weeks from the date of receipt of a copy of this order.

6. In the result, this Writ Petition is allowed. Consequently, the connected Miscellaneous Petitions is closed. No costs.

03.07.2024

Index:Yes/No
Neutral Citation/Yes/No
kv

To

1. The Principal Secretary to Government,
Finance (Treasuries and Account – 2) Department,
Fort St. George, Chennai – 600 009.
2. The District Collector,
Cuddalore.

Copy to

The Revenue Divisional Officer,
Cuddalore.



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G.K.ILANTHIRAIYAN, J.

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