



W.A.No.1373 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.06.2024

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

W.A.No.1373 of 2021

Dr.S.Padmarajan

.. Appellant

Vs.

1. The Secretary to Government
Health and Family Welfare Department
Fort St. George, Chennai – 600 009.

2. The Director
Medical and Rural Health Services
Chennai – 600 006.

.. Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent against the order in W.P.No.18070 of 2014 dated 28.02.2020.

For the Appellant : Mr.R.D.Ashok Kumar

For the Respondents : Mr.U.M.Ravichandran
Special Government Pleader



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JUDGMENT

(Delivered by the Hon'ble Mr. Justice S.M.SUBRAMANIAM)

The punishment of pension cut of Rs.200/- per month for a period of six months was challenged in the writ proceedings.

2. The appellant was holding the post of Senior Civil Surgeon. A criminal case was registered against him under the SC/ST Act. Bail was granted to the appellant with conditions. Admittedly, the leave letter sent by the delinquent Officer was not sanctioned. The Joint Director of Health Services issued a memorandum dated 29.12.2008 asking the appellant to join duty immediately. The appellant has failed to join duty.

3. *Mr.Ashok Kumar*, learned counsel for the appellant would submit that as per the bail condition, the appellant appeared before the police station at Mettupalayam for few days. Therefore, he could not attend duty at Udumalpet.



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4. Involvement of the appellant in a criminal case is different from application of service conditions. It is for the Authorities to consider all these mitigating factors. However, in the present case, the leave letter submitted by the appellant was not considered nor leave sanctioned by the Authorities. Therefore, charge memorandum was issued for unauthorized absence. The appellant participated in the Departmental Disciplinary Proceedings. The charges against the appellant was held proved. Accepting the findings of the Enquiry Officer, the Disciplinary Authority imposed the penalty of pension cut of Rs.200/- per month for a period of six months.

5. In Government Services, certain personal difficulties, if arose, is to be considered by the Competent Authority in accordance with the Service Rules in force. In the present case, the appellant submitted leave letter and admittedly, the leave was not sanctioned by the Competent Authority. Therefore, this Court is of the considered opinion that the Departmental Disciplinary Proceedings initiated was in consonance with the Tamil Nadu Civil Services



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(Discipline and Appeal) Rules [corrected upto February, 2013]. The procedures, as contemplated, were followed and the Rules of natural justice has been complied with.

6. We do not find any dis-proportionality in the quantum of punishment imposed, which is a minor penalty of pension cut of Rs.200/- per month for six months. The learned Single Judge has elaborately considered these aspects and confirmed the punishment by dismissing the writ petition. The appellant is not able to substantiate any new ground to reconsider the decision taken by the Writ Court.

7. Accordingly, the said decision stands confirmed and the writ appeal stands dismissed. There shall be no order as to costs.

(S.M.S., J.)

(C.K., J.)

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Neutral Citation : Yes/No

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To:

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Health and Family Welfare Department
Fort St. George, Chennai – 600 009.
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S.M.SUBRAMANIAM, J.

AND

C.KUMARAPPAN, J.

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