



W.P.No.20186 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.20234

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THE HONOURABLE Mr.JUSTICE C.KUMARAPPAN

W.P.No.20186 of 2020
and
W.M.P. No. 24938 of 2020

R.Janarthanam

... Petitioner

Vs.

1. The Director of Rural Development and Panchayat Raj,
Panagal Building, Saidapet,
Chennai – 600015.
2. The District Collector,
Krishnagiri District.
3. The Block Development Officer,
Mathur Panchayat Union,
Krishnagiri District.
4. The Block Development Officer,
Kaveripattinam Panchayat Union,
Krishnagiri District.
(R4 impleaded as per order dated 22.10.2024 in W.M.P.
No.34416 of 2024 in W.P.No.20186 of 2020)

... Respondents



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Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records pertaining to the impugned order in Na. Ka. No. 96824/2017/DPC 2.2 dated 29.07.2020 on the file of the first respondent confirming the order in N.K.No.32063/2013/K1-3 dated 03.07.2015 on the file of the second respondent and quash the same.

For Petitioners : Mr. C.Mahendran
For Respondents : Mr. A.M.Ayyadurai,
Government Advocate

ORDER

The instant Writ Petition has been filed, challenging the order passed by the appellate authority on 29.07.2020.

2. The learned counsel for the petitioner would submit that a charge memorandum was issued against him on the ground that he permitted excess work in the Panchayat beyond the budget allocation. For the above charge memorandum, the petitioner had submitted his explanation on 03.02.2014. Thereafter, a domestic enquiry was conducted against the petitioner, and finally, the Enquiry Officer submitted a report on 14.08.2014, holding that the charges framed against the petitioner had been proved. Thereafter, the



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disciplinary authority, by relying upon the Enquiry Officer's report, imposed a punishment of withholding of increments for two years without cumulative effect. Against this order, the petitioner preferred an appeal before the Appellate Authority. However, by a cryptic order dated 09.03.2015, the Appellate Authority confirmed the order of the disciplinary authority. In view of the cryptic nature of the order, the petitioner preferred Writ Petition No. 26582 of 2017. Wherein, this Court, by order dated 13.11.2019, directed the Appellate Authority to consider the grounds raised by the petitioner afresh and to pass a reasoned order.

3. It is the submission of the learned counsel for the petitioner that, inspite of such order, the Appellate Authority has once again passed a cryptic order, dated 29.07.2020, without addressing the grounds raised by the petitioner. Apart from that, the learned counsel for the petitioner submits that there are no materials against the petitioner to prove the charges, and that conducting a separate enquiry has caused prejudice to him. In this context, the learned counsel prayed to interfere with the order of the Appellate Authority.



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4. I have given my anxious consideration to the submissions made on either side.

5. While looking at the charge memorandum, the petitioner was issued with a charge memorandum containing four charge, on the allegation of permitting excess work beyond the budget allocation to the concerned Panchayat. It is the submission of the petitioner, that he has no authority to permit any work, and such authority rests with the Panchayat and the Block Development Officer. Whereas, in the case in hand, the Panchayat has passed a resolution and the Block Development Officer has permitted the excess work. It is in this context, argued that he cannot be held to have committed misconduct. It is a well-settled principle of law that whenever a judicial review takes place, the Writ Court must only exercise threshold interference to find out whether the finding of the Enquiry Officer is based upon any material available on record.

6. In this connection, while reading the enquiry report, it reveals that the Enquiry Officer has relied the factum that the petitioner herein has not



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brought the actual financial details before the Block Development Officer, which resulted in excess allocation of work beyond budget allotment, and in such view of the matter, he also becomes responsible for the excess allocation of work. I do not find any perversity in the said finding, and the finding is based upon the material available before the authority concerned. In such a view of the matter, the Writ Court must restrict its interference and should not attempt to re-appreciate the evidence as an appellate forum.

7. It is also a well-settled principle of law that even if there is a possibility of an alternative finding, cannot be a reason to interfere with the order of the Enquiry Officer. As observed hereinabove, for every charge, this Court finds sufficient material to base such findings, and in those findings, the learned counsel for the petitioner could not point out any perversity. Furthermore, the learned counsel for the petitioner made another submission that inspite the order passed by this Court in W.P. No. 26582 of 2017, the second respondent again passed an cryptic order, which is impugned in this petition.



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8. This Court has harmoniously gone through the order of the Appellate Authority dated 29.07.2020. On perusal of the Appellate Authority's order, it is evident that the Appellate Authority has considered the objections raised by the petitioner herein and has provided its own reasoning as to how it concurs with the findings of the disciplinary authority and the enquiry report. Therefore, the submission of the learned counsel for the petitioner that the appellate authority order is cryptic in nature, is without any basis. This Court is not in a position to agree with the submission made by the learned counsel for the petitioner.

9. In view of what has been stated hereinabove, it is apparent that the order of the Enquiry Officer is based upon material, and that the Appellate Authority's order is a reasoned one. In such a scenario, while considering the proportionality of the punishment, the Writ Court cannot interfere with such punishment, unless the same shocks the conscience of this Court.

10. Considering the gravity of the charges, the punishment of imposing withholding of increment for two years without cumulative effect cannot be stated as disproportionate. Therefore, even on account of the proportionality



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of punishment, this Court does not wish to interfere, and thus, there are no merits in the present Writ Petition.

11. In the result, this Writ Petition stands dismissed. Consequently, the connected Miscellaneous Petition is closed. No costs.

28.10.2024

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Index : Yes/No

Speaking order /Non Speaking Order

Neutral Citation : Yes/No

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C.KUMARAPPAN, J.

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