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W.P.No.26551 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 13.03.2024

PRONOUNCED ON : 19.03.2024

CORAM

**THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MR. JUSTICE K.RAJASEKAR**

W.P.No.26551 of 2021

and

W.M.P.Nos.28006 of 2021, 20237 & 20242 of 2022

T.Jayashree

... Petitioner

Vs.

1. The Registrar General,
High Court, Madras,
Chennai- 600 104.

... Respondent

Prayer :- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, to call for the records on the file of the respondent relating to the impugned proceedings in Roc.No.133/2014/VC/B2, dated 30.12.2019 and quash the same as illegal and incompetent, non-est in law and without jurisdiction and consequently direct the respondent to grant all monetary and service benefits to the petitioner.



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For Petitioner : Mr.V.Raghavachari, Senior Counsel for
Mrs.V.Srimathi

For Respondent : Mr.V.Ayyadurai, Senior Counsel for
Mr.A.Durai Eswar.

ORDER

(Order of the Court was delivered by S.M.Subramaniam J.)

Writ petition has been instituted challenging the punishment of withholding of five increments with cumulative effect imposed on the petitioner vide proceeding dated 30.12.2019 by the respondent.

2. The petitioner was appointed as Civil Judge in the year 2003. She was promoted as Senior Civil Judge in the year 2014. The departmental disciplinary proceeding was initiated against the writ petitioner based on the complaint given by Thiru Mohammed Nazeer Ahmad, Director of M/s.EMM Yen Infomesh Business Solution Private Limited, who is an accused in C.C.No.2448 of 2009, on the file of the VIII-Metropolitan Magistrate, George Town, Chennai. The petitioner submitted a detailed explanation denying the allegations as false and vexatious. Not satisfied with the explanations, the Disciplinary Authority framed the following three charges:



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“Charge No.1:

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That you, Tmt.T.Jayashree, while functioning as VIII Metropolitan Magistrate, George Town, Chennai had posted the case in C.C.No.2448 of 2009 on 26.12.2013 for arguments and to 30.12.2013 for further arguments. On 30.12.2013, after hearing both sides, you had posted the said case for Judgment on 31.01.2014. After posting the case for Judgment, you had simply adjourned the case to 03.02.2014, 10.02.2014, 17.2.2014 without any valid reasons and on 03.03.2014 you had suo-moto re-opened the case for clarification. After hearing the clarification, you had finally pronounced the Judgment on 10.3.2014, and thereby you had caused undue delay in disposing the case, for the reasons best known to you.

Thus, your aforesaid act of prolonging the case and adjourning it without any valid reasons after it has been posted for Judgment amounts to irregularity or negligence in discharge of your official duty and creates suspicion over your integrity. You have thus violated Rule 20 of the Government Servant Conduct Rules, 1973. Your conduct is unbecoming of a Judicial Officer, thereby rendering yourself liable to be proceeded under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules.



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Charge No.2:

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That you, Tmt.T.Jayashree, while functioning as VIII Metropolitan Magistrate, George Town, Chennai, in C.C.No.2448 of 2009 had pronounced the Judgment on 10.03.2014. But had dictated the order of punishment portion alone to the stenographer on 10.03.2014 and on the same day, you had dictated Paras 1 to 9 of the judgment and from Paras 10 to 12 on 11.03.2014 and from Paras to end on 12.03.2014. It is evident from the shorthand note book that the judgment was not completely dictated on 10.3.2014 and it was completed only on 12.03.2014. Thus it is clear that without preparing the full judgment, you had pronounced it, which is against the mandates of Section 353(1) to (4) CrL.P.C.

Thus, your aforesaid act of violating the procedures of law amounts to dereliction in discharging your official duties and deviation from Judicial discipline and it is unbecoming of a Judicial Officer, thereby failed to maintain absolute integrity and devotion to duty and thus violated Rule 20 of the Government Servants' Conduct Rules, 1973. Thus, you are liable to be proceeded under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules.



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Charge No.3:

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That, you, Tmt.T.Jayashree, while functioning as VIII Metropolitan Magistrate, George Town Chennai had not furnished the copies of Judgment in C.C.No.2448 of 2009 to the accused/complainants, immediately on 10.3.2014, the date of pronouncement of Judgment. But provided only on 12.03.2014. On the other hand, you had insisted the accused/complainants to sign as if they had received the copies of Judgment on 10.03.2014 itself. Further, you had threatened the accused/complainants that if they fail to act accordingly, the bail granted to them on 10.3.2014 would be cancelled.

You had failed to furnish the copies of the judgment immediately on the same day or pronouncement of judgment as mandated u/s 363(1) CrI.P.C. and threatened the accused/complainants by misusing your official position and forced them to sign as if the copies of the judgment were received on 10.03.2014.

Thus, you have failed to maintain absolute integrity and devotion to duty and had violated Rule 20 of the Government Servants' Conduct Rules, 1973, thereby rendering yourself liable to be proceeded under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules."



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3. The petitioner submitted her written statement of defence on 29.01.2016. Inquiry Officer was appointed. Five witnesses were examined as PW1 to PW5 and 22 documents were marked as Exhibits P1 to P22, on behalf of the respondent. The petitioner herself examined as DW9 and also examined 8 other defence witnesses and marked 9 documents, as Exhibits D1 to D9. The Inquiring Officer conducted an inquiry and submitted a final report, holding that all the three charges against the petitioner are held proved.

4. The copy of the Inquiry Report was communicated to the petitioner, seeking her further objections on the findings of the Inquiry Officer. The petitioner submitted her detailed representation on 14.01.2019. Based on the materials available on record, the impugned order of punishment was issued in proceeding dated 30.12.2019, imposing the penalty of withholding of five increments with cumulative effect. Thus, the present writ petition came to be instituted.

5. The learned Senior Counsel, Mr.V.Raghavachari, appearing on behalf of the writ petitioner would mainly contend that the complaint was given by an accused in a criminal case. The complainant was convicted by



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the petitioner in the said criminal case. Therefore, such motivated complaints cannot be taken into consideration for initiation of disciplinary proceedings and the High Court has to protect the interest of these Judicial Officers. The petitioner has followed the procedures as contemplated and not committed, any dereliction of duty, negligence or lapses as alleged in the Charge Memorandum. Based on the false statement of the complainant, the punishment was imposed. The punishment of withholding of five increments with cumulative effect is absolutely disproportionate and therefore, the order impugned is to be set aside.

6. Mr.V.Raghavachari, learned Senior Counsel relied on the deposition of DW3 to establish that the DW3 was working as Office Assistant in VIII Metropolitan Court, George Town Chennai. The said witness deposed that the judgement was delivered on 10.03.2014 in C.C.No.2448 of 2009. The copy of the judgement was given to the accused. The fine amount was paid at 04:45 PM. He prepared the bill and obtained the signature from the cashier. Further, there was a dispute between Steno-typist Valarmathi and her husband. Her husband is working in the general Post Office near the Court. He used to come to the Court at 03:00 PM and used to take his wife Valarmathi. He said that his



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wife is given more work and therefore, she suffered health issues. The complaint was brought to the notice of the III Metropolitan Magistrate, who in turn warned the said Steno-typist Valarmathi. The Officer Assistant has deposed clearly that the judgement was given on the same day on 10.03.2014, fine amount was collected and paid in the Cash Section.

7. Mr.V.Raghavachari, learned Senior Counsel would further contend that the deposition of DW4, DW5 and DW6 would support the case of the petitioner and all the delinquent side witnesses have deposed that the procedures had been followed, while delivering the judgement and while handing over the copy of the judgements to the accused persons. Thus, the complaint itself is false.

8. The Inquiry Officer has not considered the deposition of the delinquent side witnesses in entirety. He has drawn certain presumptive inferences and held that the charges are proved. Thus, the impugned order of punishment is liable to be set aside.

9. The learned Senior Counsel, Mr.V.Ayyadurai, appearing on behalf of the respondents strenuously opposed the contention of the petitioner by stating that serious lapses are noticed on receipt of the



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complaint from the accused in a criminal case. Allegation of demand of bribe has been made and the facts and circumstances as considered by the Disciplinary Authority and the Inquiry Officer, would reveal that suspicious circumstances were established touching upon the integrity of the petitioner. More so, the lapses and dereliction of duty, proved against the writ petitioner are of serious in nature and such lapses would cause dis-reputation to the Judicial Institution.

10. The charges are held proved based on the documents and evidences available on record. The Inquiry Officer afforded opportunity to the delinquent Officer to defend her case. After examining the witnesses on both sides and cross-examination, the findings are given by the Inquiry Officer in detail, holding that the charges are held proved against the petitioner. Since proved charges are serious in nature, the Disciplinary Authority imposed the penalty of withholding of 5 increments with cumulative effect. Thus, there is no infirmity. Regarding the deposition of delinquent side witnesses relied on by the petitioner, the learned senior counsel Mr.V.Ayyadurai has drew the attention about the deposition of PW1. The deposition of PW1 is cogent and coherent. The portion of the deposition reads as follows:



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20.12.2013 அன்று சிறை வழக்கில் உத்தரவுகள் புகைக்கப்பட்டது சுற்றறித்த

நடுவர் அதன்பின் தீர்ப்புரைக்காக 17.01.2014க்கு ஒத்திவைத்தார். அந்த தேதியில் தீர்ப்பு சொல்லப்படவில்லை. காலையில் வழக்கை அழைத்து விழ்புகல் தீர்ப்பு சொல்லப்படும் என்று ஒத்திவைக்கப்பட்டது ஆனால் மாலை சுற்றறித்த நடுவர் எங்களை அழைத்து வழக்கு 24.01.2014க்கு தீர்ப்புக்கு ஒத்திவைக்கப்பட்டதாக தெரிவித்தார் அதன்பிறகு வழக்கை தீர்ப்புக்காக சுற்றறித்த நடுவர் 28.01.2014, 31.01.2014, 03.02.2014க்கு ஒத்திவைத்தார் அதன்பிறகு வாரத்திற்கு ஒருமுறைமாக ஒத்தி வைத்து இறுதியாக 03.03.2014 அன்று தீர்ப்புக்காக ஒத்திவைத்தார் 03.03.2014 அன்று பிழைப்பாளி விழ்புகல் மதிப என்னுக்கு பின் அவருடைய சேம்பருக்கு அழைத்தார் நான் மட்டும் பிழைப்பாளியின் சேம்பருக்கு போனேன். என் பிளெட் என்னை சேம்பருக்கு வரும்படி அழைத்தார் நான் போனேன். அப்போது பிழைப்பாளி என்னை அழைத்து மாற்றமுறை ஆவணம் சம்பர் பிரிவு 136ன் கீழ் கறக்கு வலுவாக உள்ளதால் என்னை அதிலிருந்து விடுவிக்கத்தக்கது? இவ்விடம் என்னுடைய வழக்குரைத்த சகுந்தன் முறையாக கொடுக்கப்பட்ட சொன்னார் நான் அதற்கு எந்த பதிலும் சொல்லவில்லை. அதன்பின் வழக்கை தீர்ந்த நீதிமன்றத்தில் அழைத்து 19.03.2014க்கு ஒத்திவைத்தார். இந்த சம்பவம்பற்றி நான் என்னுடைய வழக்குரைநரிடம் கயந்தாலோசித்தபோது உயர் அதிபார்க்கு கடிதம் எழுதினேன் சொன்னார் அன்றே 03.03.2014 அன்று பாண்டாங்கு சென்னை உயர்நீதிமன்ற தலைமை நீதிபதிகடும், பொது திவாளருக்கும் கடிதம் எழுதினேன் அதன் நகலை விழிப்படுத்துரை பதிவாளர், நீதித்துறை பதிவாளர் சென்னை உயர்நீதிமன்றத்திற்கும், மாண்புமிகு உச்சநீதிமன்ற தலைமை நீதிபதிகடும் அனுப்பினேன் என்னிடம் கூறப்பட்டிருந்த ஆவணம் 03.03.14 அன்று அனுப்பிப் புகைக்கான. அதிலிருப்பது என்னுடைய



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கையொப்பம்தான். அது அ.சா.ஆ.2 ஆகும். அதன்பிறகு 10.03.2016, அன்று பிற்பகல் 5.00 மணியளவில் பிழையானி நீதிமன்றத்தின் வழக்கறிஞர்கள் அமரும் இருக்கையில் இருந்து சாதாரண உடையில் தீர்ப்பு வழங்கினார். வாய்மொழியாக தீர்ப்பு சொன்னார். அதில் என் கம்பெனியும் நானும் என் மனைவியும் குற்றவாளி என்று மேற்படி வழக்கில் தீர்ப்பு அளித்து கம்பெனிக்காக ரூ.5000/-அபராதம் கட்டச்சொல்லியும், எனக்கும் என் மனைவிக்கும் ஓராண்டு சிறை தண்டனையும் தவர ரூ.5000மும் விதித்தார்கள். புகார்தாரருக்கு நஷ்டமாக ரூ.3,70,000 -மும் கொடுக்கவேண்டும் என்று சொன்னார்கள். அன்றைய தினதே தினம் அந்தஅபராதத்தை கட்டிவிட்டோம். தீர்ப்பின் நகலை பிழையானியிடம் கேட்டோம். அப்போது பிழையானி தீர்ப்பு இன்னும் தயாராவில்லை என்றும் அதனை பெற்றுக்கொண்டதுபோல் என்னுடைய வழக்கறிஞரை மேற்குறிப்பு செய்யசொன்னார். அப்போதிருந்த என் வழக்கறிஞர் பெயர் ரவீந்திரன். என் வழக்கறிஞர் அதற்கு மறுத்துவிட்டார். மூத்த வழக்கறிஞரை கேட்கவேண்டும் என்று சொன்னார். பின்னர் எனக்கும், என் மனைவிக்கும் தண்டனையை நிறுத்திவைத்து பிணையில் விடுவித்தார்.

11. Relying on the above deposition of PW1, Mr.V.Ayyadurai, learned Senior Counsel would contend that the veracity of the statement given by PW1 need not be doubted as there is no motive established, except by stating that criminal case ended with conviction. More so, a complaint was given before the Registrar (Vigilance) High Court, who in turn instructed the complainant to receive the judgement by putting his



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signature with date. Accordingly, the judgement was received on 14.03.2014 by the accused person. Judgement was admittedly pronounced on 10.03.2014. On 11.03.2014 the accused person contacted the Registrar Vigilance, High Court, and they had given a complaint. Therefore, the preponderance of probabilities established in the case of the petitioner.

12. The Inquiry Officer also has considered all these aspects based on the deposition of witnesses and evidences. Thus, there is no infirmity and the writ petition is to be rejected.

Discussion:

13. The first complaint dated 03.03.2014 was given against the writ petitioner alleging that the petitioner heard the arguments on 13.12.2013, in C.C.No.2448 of 2009 and adjourned the case periodically without pronouncing the judgement which caused undue hardship and suffering to the parties. The second complaint dated 10.03.2014 was given to the effect that the judgement was pronounced on 10.03.2014 at 4.30 PM, convicting the accused and levying the penalty Rs.5,000/- on each of the accused and directing to pay compensation of the Cheque amount within one month and that the order was pronounced by the petitioner in civil dress setting



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on the advocates chair, instead of sitting in the dais. It is further alleged that the accused persons were made to wait till 6:45 PM and thereafter, were directed to come on 11.03.2014 for getting the copy of the judgement.

14. It is alleged in the third complaint dated 12.03.2014 that on 12.03.2014 at about 5:30 PM, the copies of the judgement were given to them by insisting to put back date as 10.03.2014, as the date of delivering the copy on the date of pronouncement of the judgment itself. However, the accused persons made endorsement as follows:-

"We 1, 2 & 3 received the judgment copies on Twelfth day of March Two Zero One Four."

15. It is further submitted that the petitioner engaged an Advocate to defend her case in the enquiry. PW1 to PW5 and Exs.P1 to P22 were marked to substantiate the charges. On the side of the petitioner, nine witnesses, DW1 to DW9, were examined and Exs.D1 to D9 were marked. The Complainant No.1 was examined as PW1. His complaints dated 03.03.2014, 10.03.2014 and 12.03.2014 were marked as Exs.P2, P3 and P5 respectively. The endorsement made at the time of receiving the copy



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of the judgment on 12.03.2014 was marked as Ex.P4. PW1 deposed that he was demanded Rs.2,00,000/- as bribe through his counsel Raghunathan when the case was adjourned to 10.03.2014, the demand was not acceded to by PW1. On 10.03.2014, oral judgment was delivered imposing six months imprisonment to PW1 and his wife and fine of Rs. 5,000/- was imposed to each of the accused besides compensation of Rs.3,70,000/-. Though PW1 and his wife were called on 11.03.2014 to serve the copy of the judgment, it was not served, but they were directed to come on 12.03.2014. On the same day, i.e. 11.03.2014, PW1 met the Registrar (Vigilance) in this regard and was directed to write the actual date when he receives the said judgment. Accordingly, the endorsement in Ex.P4 had been made acknowledging the receipt of judgment on 12.03.2014.

16. The nature of the complaint and the allegations raised by the complainant then and there by approaching the Registrar (Vigilance) High Court would be sufficient to form an opinion that the petitioner has committed dereliction of duty and negligence. The PW1 in his deposition has categorically stated that there was a demand of bribe. Since charges regarding demand of bribe had not been framed, rightly the Inquiry Officer and the Disciplinary Authority has not gone into the issue relating



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to demand of bribe. However, the Disciplinary Authority considered that the nature of the proved allegations are touching upon the integrity of the Judicial Officer. However, the punishment was given based on the proved charges.

17. Let us now consider the findings of the Inquiry Officer with reference to all the 3 charges. Regarding the first charge :

“29. On perusal of Ex.P9 adjudication notes paper, written defence statement submitted by the Delinquent and DW9 evidence it reveals that no reason was assigned by the Delinquent and it was simply adjourned from 31.01.2014 to 03.02.2014, 10.02.2014, 17.02.2014, 24.02.2014 without any valid reason and posted as judgment not ready call on. On 24.02.2014 only it was suo-moto reopened for clarification and clarification was heard on 03.03.2014 and there was undue delay caused by the Delinquent in disposing the case for the reason best known only to the Delinquent.

...

32. PW1 - Thiru. Mohammed Nazeer Ahamed, is an accused to C.C. No. 2448 of 2009, who sent Ex.P2 complaint on 03.03.2014 to the Hon'ble High Court of Madras stating that having the case was heard by the Delinquent as on 30.12.2013, judgment was not



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delivered as per the first schedule date of 31.01.2014 and it was periodically posted to 03.02.2014, 10.02.2014, 17.02.2014, 24.02.2014 and 03.03.2014. Having he was harassed by the Court for not pronouncing the judgment in the above given due dates, he made a complaint in Ex.P2 requesting the Hon'ble High Court of Madras to take necessary recourse about the action of the Delinquent.

33. Further, on perusal of DW9 cross-examination it reveals that why was no reason assigned in the adjudication notes paper by mentioning the Lok Adalath preparation work, the answer of the Delinquent is as that the adjudication notes paper was not written by her and it was written by the Interpreter - PW2 and DW9 only put her initial. Allowing the Interpreter to write the adjudication notes paper is also yet another violation of the rules and procedures by the Delinquent, DW9's cross-examination reveals as follows:

தீர்ப்பை ஒத்தி வைக்க மேற்படி லோக் அதாலத்திற்கு முன்னேற்பாடுகள் செய்ததுதான் காரணம் என்று அந்த வழக்கின் நோட்ஸ் பேப்பரில் குறிப்பிடப்படவில்லை என்றால் சரிதான். ஏனென்றால் அந்த வழக்கில் நோட்ஸ் பேப்பரை இண்டர்பிரட்டர் எழுதினார். நான் கையெழுத்து போட்டேன்.



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34. *The above evidence reveals that the Delinquent has not written the adjudication notes paper when the case was originally reserved for judgment and it made to create suspicious over the performance of the Delinquent. Considering with all circumstances discussed supra the act of the prolonging the case and adjourning the case without any valid reason, all the activities of the Delinquent amounts to irregularity or negligence in discharge her official duty and creates suspicious over her integrity. Hence, in view of the same the Delinquent has violated the Rule 20 of the Government Servants' Conduct Rules. In view of the above discussions of facts and evidence, the enquiry officer is of the opinion that the disciplinary authority has able to prove the first charge under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules.”*

Regarding Charge 2, the Inquiry Officer has made findings as follows:

“51. In view of the above discussion of facts and evidence and having no endorsement in Ex.P15 original judgment about the factum of fine amount received and without the original judgment, the fine amount was collected by the cashier section i.e. DW8. If the evidence of DW5 is to be acceptable, the evidence of DW8 is total contra and to be



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rejected. Both have been examined from the Delinquent side and their evidences are total contra to each other, which is not helpful to the Delinquent side, which is contra to show that the judgment was made ready as on 10.03.2014 and on that basis only, the fine amount was collected by the cashier section. The testimonies of DW1 to DW3, DW6 and DW7, that the judgment was made ready and having the original judgment was sent to the cashier section, the fine amount was received is total contra, whereas the testimony of PW5, the judgment was not prepared as on 10.03.2014.

52. In view of the above discussion, it is concluded that the Delinquent had dictated the judgment paragraphs 1 to 9 on 10.03.2014, paragraphs 10 to 12 on 11.03.2014 and paragraphs 13 to end on 12.03.2014 and the entire judgment was completely made ready on 12.03.2014. Therefore, the act of the Delinquent is clear that without preparing full judgment, the Delinquent has pronounced the judgment, which is against the mandate of sub-sections (1) to (4) in section 353 of CrPC It is violation of procedure of law amount to dereliction in discharging her official duties and also deviation from judicial discipline. Therefore, the disciplinary has able to prove the second charge also against the Delinquent.”



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Regarding charge 3, the Inquiry Officer held as follows:

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“59. The evidence of PW1 further reveals that when PW1 was called upon to receive the judgment on 12.03.2014, the Delinquent directed him to put the back date on 10.03.2014 which was refused by PW1. Having PW1 shown a complaint Ex.P3 copy, where he sent a complaint on 11.03.2014 to the Hon'ble High Court, Madras for the reasons the Delinquent has not supplied the judgment copy on 10.03.2014 and after realizing the same, the Delinquent allowed PW1 to put the date as 12.03.2014 where the actual date of supply of judgment copy to be acknowledged. I find there is no infirmity or falsification of evidence by PW1 with regard to date of receipt of the judgment copy by PW1. If the testimonies of Delinquent as well as DW1 to DW3, DW6 and DW7 is to be acceptable, there must be an acknowledgement in Ex.P15. Having no acknowledgement found, the evidence of PW1 brings confidence about where he already met the Vigilance Registrar on 11.03.2014 and informed him that no judgment copy was supplied to him and as instructed by the Vigilance Registrar, PW1 put the date of receipt of the judgment copy as 12.03.2014 in words. The factum of deposition of PW1 where he met the Vigilance Registrar on 11.03.2014 and as he was instructed to put the date of receipt of copy of the



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judgment has not been denied and cross examined by the Delinquent side. When a factum of evidence has not been strongly denied by the opponent side, the evidence stands as good and it is to be accepted.

60. It is contended by the Delinquent that having PW1 found guilty by the Delinquent, PW1 may be made any allegations whatever he wants to say against the Delinquent. Though it may be in usual course but there are other circumstances warranted when a person affected not only from the finding of the judgment, by the attitude and the procedural law also, naturally the affected person has to approach the higher authority for making complaints. On perusal of Ex.P3 and Ex.P5 complaints, it reveals that it is not the case of PW1 that he is not against the judgment findings delivered by the Delinquent but he was unable to digest the attitude and manner of postponing the judgment date and supplying the judgment copy, which is against the rule of law and sent complaints to the higher authority of the Hon'ble High Court of Madras and, therefore, the testimony of PW1 brings confidence to this enquiry, accordingly. this enquiry officer accepts the testimony of PW1 by rejecting the testimonies of DW1 to DW3, DW6 and DW7 where they simply stated that the judgment copy was supplied to accused as on 10.03.2014. Even, DW6 in



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his cross examination stated that he could not remember who had given the copy of the judgment to the accused. Alike that DW7 also did not say that the judgment copy was given to the accused on 10.03.2014.

61. In view of the above discussion coupled with the discussion to charge no.2, having the judgment was not made ready as on 10.03.2014 and the full judgment was prepared only on 12.03.2014, it was not possible to the Delinquent to supply the judgment copy to the accused on 10.03.2014 and the statement of PW1 that the copy of the judgment was supplied to him only on 12.03.2014 which was acknowledged by PW1 with the original Ex.P15 Judgment having not found and, therefore, the disciplinary authority has able to prove the third charge also against the Delinquent where the Delinquent has violated the mandate of section 363(1) of CrPC and threatened the accused by misusing her official position and forces them to sign as the copy of the judgment was received as on 10.03.2014 and the Delinquent has failed to maintain absolute integrity and devotion to the duty and violated the Rule 20 of Government Servants' Conduct Rules, 1973, and accordingly the third charge is also proved against the Delinquent.”



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18. The evidence of PW-1, the discussions and the findings of the Inquiry Officer are crystal clear that all the 3 charges framed against the writ petitioner are held proved. The dereliction of duty and lapses are established beyond any pale of doubt. The elaborate consideration of the deposition of the witnesses and the documents would be sufficient to form an opinion, by the Inquiry Officer and the Disciplinary Authority. Thus, we do not find any perversity or infirmity regarding the charges framed, the process of the inquiry conducted, the findings given and the punishment imposed.

19. The Court in exercise of judicial review must restrict its review to determine whether:-

- (i)rights of natural justice have been complied with,
- (ii)the findings of misconduct are based on some evidence,
- (iii)the statutory rules governing the conduct of the Disciplinary Inquiry have been absorbed,
- (iv)whether the findings of the Disciplinary Authority suffer from perversity,
- (v)the penalty is disproportionate to the proven misconduct.



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20. In the present case, it is not in dispute that the Rules of Natural Justice have been complied with. The findings of the misconduct is undoubtedly based on some evidence. The statutory rules governing the conduct of disciplinary proceedings have been absorbed by the authorities competent. This Court found that the findings of the Inquiry Officer and the Disciplinary Authority does not suffer from perversity. Finally regarding proportionality, the proved charges are grave in nature, touching upon the integrity of the Judicial Officer.

21. The proved charges against the petitioner are serious in nature. The deposition of PW1 is cogent and was analysed by the Inquiry Officer and further considered by the Disciplinary Authority. The preponderance of probabilities with reference to the statement of PW1 was considered by the Disciplinary Authority. Pertinently, three complaints given by the complainant consecutively to the Registrar (Vigilance) High Court are considered by the authorities. The Registrar (Vigilance) High Court, instructed the accused to receive judgement by mentioning the date in his signature. The facts and circumstances would be sufficient enough to form an opinion that there is no perversity in considering the documents and evidences placed during the course of inquiry. Thus, this Court do not find



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any reason to interfere with the punishment which cannot be construed as disproportionate to the gravity of the proved charges.

22. Accordingly, the order impugned stands confirmed and the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

(S.M.S.J.,)

(K.R.S.J.,)

19.03.2024

Index : Yes/No

Speaking order/Non-Speaking order

Neutral Citation : Yes/No

(sha)

To

The Registrar General,
High Court, Madras,
Chennai- 600 104.



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S.M.SUBRAMANIAM, J.

and

K.RAJASEKAR, J.

(sha)

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19.03.2024