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W.P.No.34139 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.34139 of 2023 and
WMP.No.34010 of 2023

J.Leeli Pushpam

... Petitioner

Vs.

1.The Joint Director (Employment Zone),
Directorate of School Education,
Employer Education Department,
DPI Complex (Department of Public Instructions),
College Road, Nungambakkam,
Chennai 600 006

2.The Chief Education Officer,
Krishnagiri District

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue a writ of certiorarified mandamus calling for the records of impugned order passed in Na.Ka.No.05622/C4/E1/2022 dated 26.06.2023 passed by the first respondent, quash the same and consequently directing the respondents to pay all the monetary benefits.

For Petitioner : Mr.L.Pachaiyappan
for M/s.Law Vision

For Respondents : Mrs.S.Mythreye Chandru,
Special Government Pleader



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ORDER

This writ petition has been filed challenging the order dated 26.06.2023 passed by the first respondent thereby dismissed the appeal filed as against the punishment imposed against the petitioner.

2. The petitioner was selected and appointed in the post of Teacher Educator through the Teachers Recruitment Board. In the year 2008, she got transferred in Block Resource Centre at Hosur. Thereafter, in the year 2014, she was transferred as Supervisor incharge in Kelamangalam Block Resource Centre. While being so, on 08.11.2016, the Government announced demonetisation and as such there was restriction for withdrawal of cash. At that juncture, the respondents had instructed to conduct Primary Teacher Training and Upper Primary Teacher Training Programme i.e. Cluster Resource Centre, Block Resource Centre Training for the teachers working in Primary School (standard I to V) and High School Teachers (Standard VI to VIII). Accordingly, the petitioner made necessary arrangements for the said



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programmes from 26.11.2016 to 03.12.2016. For the said programmes, the petitioner had spent money from her own money by borrowal from outsiders through her husband. The expenses occurred towards daily wages for teachers attending seminar programmes, travels expenses, refreshment expenses and miscellaneous expenses for conducting programmes. The petitioner was assured that the said amount will be reimbursed from the Government in later point of time by depositing the Government cheques. Accordingly, cheques were issued for a sum of Rs.50,000/- and Rs.52,500/-. Both the cheques were presented in her husband's savings bank account and encashed the same. However, it was instructed that the Government cheques should not be deposited and encashed in a private person's account and the same has to be deposited in the Resource Centre Account.

2.1 Therefore, the petitioner had re-deposited the said cheque amount to the credit of Kelamangalam Block Resource Centre. Hence, a complaint was lodged against the petitioner and in pursuant to which, disciplinary proceedings was initiated against the petitioner. The



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petitioner was suspended from service and subsequently, the order of suspension was revoked on 03.08.2017. After completion of disciplinary proceedings, the second respondent imposed punishment of stoppage of of one year increment with cumulative effect by an order dated 29.10.2020. Aggrieved by the same, the petitioner preferred appeal before the first respondent and the same was also dismissed.

3. Heard, the learned counsel appearing on either side.

4. Admittedly, the petitioner was instructed to conduct Primary Teacher Training and Upper Primary Teacher Training Programme from 26.11.2016 to 31.12.2016 on her own cost since the Government announced demonetisation and as such, there was huge money crisis all over the country. There was restriction in cash transaction including cash withdrawals from the bank. Therefore, the petitioner had spent Rs.1,02,000/- for the training programmes and she was assured that it would be reimbursed. Accordingly, the cheques were issued for a sum of Rs.50,000/- and Rs.52,500/- by Kelamangalam Block Resource Centre



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signed by the petitioner as well as Assistant Educational Officer. The cheques were presented for collection in the account of her husband instead of Block Resource Centre account. Though the said amount was credited in favour of her husband's account, immediately the said amount was withdrawn and redeposited in the account of Block Resource Centre. Subsequently, the said amount was withdrawn and disbursed in favour of the petitioner. The petitioner was under assumption that the amount can be directly encashed by her since the entire amount was borne out by the petitioner from her own pocket by borrowal from outsource and also from her husband. Therefore, instead of depositing the said amount in the office account, directly she deposited the cheques in favour of her husband. Therefore, there is no loss to the exchequer and there is no misappropriation by the petitioner.

5. The amount which was already spent by her was disbursed and the same was encashed by the petitioner. The only allegation as against the petitioner was that instead of depositing the cheques in the Block Resource Centre account, she had deposited the cheques in favour



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of her husband. Therefore, the punishment of stoppage of one year increment with cumulative effect imposed by the disciplinary authority is disproportionate to the charges and it can be reduced as 'censure'. Unfortunately, the appellate authority also failed to consider the same and mechanically dismissed the appeal without considering the grounds raised by the petitioner.

6. In view of the above, the punishment i.e. 'stoppage of increment for a period of one year with cumulative effect' imposed on the petitioner by the second respondent, which was confirmed by the impugned order dated 26.06.2023 of the first respondent is modified to the effect that 'censure'.

7. Accordingly, this writ petition stands partly allowed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

21.03.2024

Index : Yes/No
Speaking/Non-speaking order
Neutral Citation : Yes/No
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To

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