



W.P.(MD).No.12023 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.06.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.12023 of 2024

and

W.M.P.(MD).Nos.10696 and 10697 of 2024

K.Saravanan

... Petitioner

Vs.

1.The Principal Secretary,
Treasuries and Finance Department,
Secretariat,
Chennai.

2.The Commissioner of Treasuries and Accounts,
Anna Complex, 3rd Floor,
Integrated Office Building for Finance Department,
No.571, Anna Salai,
Nandanam,
Chennai – 600 035.

3.The Assistant Treasury Officer,
Sub-Treasury,
Bhavani,
Erode District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the entire records pertaining to the impugned charge memo issued by the second respondents vide குறிப்பாணை ந.க.எண்.29982/Q2/2018-2 dated 06.04.2022 as well as consequential order of confirmation passed by the first respondent in G.O.(2u).No.64 Finance (Treasury and Accounts-2) Department dated 08.09.2023 and quash the same.

For Petitioner : Mr.R.Anand

For Respondents : Mr.J.Ashok
Additional Government Pleader

ORDER

Heard Mr.R.Anand, learned counsel appearing for the petitioner and Mr.J.Ashok, learned Additional Government Pleader appearing for the respondents.

2. By consent of both the parties, this Writ Petition is taken up for final disposal at the admission stage itself.



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3. This Writ Petition has been filed seeking to quash the order dated 06.04.2022 passed by the second respondent as well as consequential order of confirmation passed by the first respondent in G.O.(20).No.64 Finance (Treasury and Accounts-2) Department dated 08.09.2023.

4. Mr.R.Anand, learned counsel for the petitioner submitted that the petitioner who was given with charges due to certain lapses have been subjected to disciplinary proceedings, and in which two charges against the petitioner were proved. The second respondent vide order dated 06.04.2022 has imposed the punishment of stoppage of increment for a period of six months with cumulative effect. Aggrieved over the same, the petitioner has filed an appeal before the first respondent and the first respondent has passed an order on 08.09.2023, thereby confirming the order of the disciplinary authority, the second respondent herein. Now, the petitioner submitted that the first respondent without applying his mind has simply passed an order of confirmation, by mechanically relying on the order of the second respondent.



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5. Mr.R.Anand, learned counsel for the petitioner submitted that one Sivakumar who is the culprit for misappropriation in the Department was not appointed by him and he was appointed by his predecessor. When the mischief of the third party Sivakumar came to the knowledge of the petitioner, he immediately gave a complaint to the Police and no criminal case has been registered against him. However, the petitioner came to know that the misappropriated amount was simply recovered from Sivakumar, but the petitioner has been given with the charge stating that the petitioner did not properly supervise, in order to prevent third party interference and consequential misappropriation.

6. There are certain observations that it is the petitioner who had outsourced the services of Sivakumar in violation of the rules and circular in this regard. The third person, who was managed to get access to the User ID and password of the Department, had utilized it for misappropriation. The specific contention of the petitioner is that the said Sivakumar was in existence even before the petitioner joins as a Sub Treasury Officer in Bhavani Sub Treasurer Office. In fact, the petitioner who had found out the hand work of the third party, had brought it to light. But the said point submitted by the petitioner has not been



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specifically dealt by the appellate authority and the disciplinary authority while passing the order of punishment by accepting the enquiry officer report.

7. In view of the same, this Writ Petition is **allowed** and the impugned impugned charge memo in குறிப்பாணை ந.க.எண். 29982/Q2/2018-2 dated 06.04.2022 as well as consequential order of confirmation passed in G.O.(21).No.64 Finance (Treasury and Accounts-2) Department dated 08.09.2023 are set aside. The matter is remitted back to the second respondent to reconsider the representation of the petitioner and pass an order afresh within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

10.06.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr



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R.N.MANJULA, J.

Nsr

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