



W.A(MD)No.1199 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.07.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN**

**W.A(MD)No.1199 of 2024
and
C.M.P(MD)No.9248 of 2024**

K.Natarajan

... Appellant/Writ Petitioner

VS.

1.The Principal Secretary to Government,
Animal Husbandry, Dairying and Fisheries (FS2) Department,
Secretariat,
Chennai – 600 009.

2.The Director of Fisheries,
Administrative Office Buildings,
DMS Compound,
Chennai – 600 006.

... Respondents/Respondents

PRAYER : Writ Appeal filed under Clause 15 of Letters Patent to set aside the order dated 01.02.2024 made in W.P(MD)No.10328 of 2021.

For Appellant

: Mr.G.Thalaimutharasu
for Mr.C.Gangai Amaran

For Respondents

: Mr.N.Satheesh Kumar
Additional Government Pleader

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JUDGMENT

[Judgment of the Court was made by R.SURESH KUMAR, J.)

This intra Court Appeal has been directed against the order passed by the Writ Court, dated 01.02.2024 made in W.P(MD)No.10328 of 2021.

2.That the appellant/writ petitioner had faced disciplinary proceedings at the hands of the employer ie., the respondent Department which ultimately ended in the punishment of a cut in pension at the rate of Rs.50/- per month for a period of one year. Accordingly, a G.O. was issued in G.O(D)No.211, Animal Husbandry, Dairying and Fisheries Department, dated 09.07.2014.

3.The said punishment order under G.O(D)No.211, Animal Husbandry, Dairying and Fisheries Department, dated 09.07.2014 was questioned by the appellant/writ petitioner in the first round of litigation by filing W.P(MD)No.17172 of 2014. This Court allowing the said Writ Petition had quashed G.O(D)No.211, Animal Husbandry, Dairying and Fisheries Department, dated 09.07.2014, by giving liberty to the respondents therein to pass appropriate orders, after considering the petitioner's further

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representations, dated 20.04.2012 and 09.01.2013, in accordance with law and to pass a reasoned order within a period of three months.

4.Subsequently, having considered those representations also, fresh order has been passed by the disciplinary authority by the issuance of G.O(D)No.151, Animal Husbandry, Dairying and Fisheries Department, dated 15.04.2021, whereby the earlier punishment inflicted against the petitioner, ie., cut in pension of Rs.50/- per month for a period of one year, was confirmed.

5.Challenging the said G.O(D)No.151, Animal Husbandry, Dairying and Fisheries Department, dated 15.04.2021, the second Writ Petition had been filed, on the ground that it is a non-speaking order.

6.The learned writ Court has taken note of the entire gamut of the issue where the writ Court has taken the facts exhaustively by recording the findings that the disciplinary authority before passing the order of punishment has considered 18 documents including two representations which have subsequently been given.



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7. Even such a consideration had been shown according to the writ Court, by the disciplinary authority even in the first proceeding itself therefore, the remand order for re-consideration itself might not have been necessitated, but anyhow as per the order of remand passed by this Court in the first round of litigation, the disciplinary authority having considered the representations, dated 20.04.2012 and 09.01.2013 of the petitioner, has passed a fresh order, of course, confirming the very same punishment of cut in pension of Rs.50/- per month for a period of one year.

8. In fact the writ Court, in the penultimate paragraph, has observed as follows:

'9..... However, a careful perusal of the entire order would reveal that the 1st respondent has certainly taken into account the original representation of the petitioner, dated 07.03.2011 that is the defence statement of the petitioner before the disciplinary authority. Thereafter, the 1st respondent considering the findings of the Commissioner for Disciplinary Proceedings, dated 01.06.2011 along with the fresh representation of the petitioner, dated 20.04.2012 and 09.01.2013, had arrived



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at a conclusion that no fresh grounds have been addressed to drop the charges initiated against the petitioner. That apart, it is needless to state that already this Court has fairly recorded that an elaborate enquiry has been conducted by the Commissioner for Disciplinary Proceedings, in which the petitioner was given with fair opportunity to cross-examine all the witnesses and also to submit further representation and the Government had fairly gone through the entire file meticulously and has come to a conclusion that no further grounds have been addressed to drop the charges initiated against him. In view of the fact that the quantum of punishment inflicted on the petitioner is not disproportionate, this Court is not inclined to interfere with the impugned order.'

9. Since the punishment itself is cut in pension of Rs.50/- per month for a period of one year, that too was inflicted on the proven charges ie., 3 out of 5 charges framed against the appellant/writ petitioner and even in the first order of punishment inflicted against the appellant/writ petitioner, the full opportunity of cross-examining the witnesses had been given to the appellant/writ petitioner and after giving second show-cause notice considering the same only that order was passed, but anyhow once the remand order was passed by this Court, once again the same process



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Went on and again the reconsideration has been made by the disciplinary authority and ultimately they come to the conclusion that the order of punishment of cut in pension of Rs.50/- per month for a period of one year already been awarded against the appellant/petitioner is to be confirmed, accordingly, they confirmed the order by issuing G.O(D)No.151, Animal Husbandry, Dairying and Fisheries Department, dated 15.04.2021, which was impugned before the writ Court.

10.We have heard Mr.G.Thalaimutharasu, learned counsel appearing for the appellant/writ petitioner and Mr.N.Satheesh Kumar, learned Additional Government Pleader, appearing for the respondents and have gone through the materials placed before this Court including the order impugned.

11.The learned Judge as stated supra has exhaustively considered all these aspects and has given the aforestated findings also as to why the learned writ Court did not want to interfere with the order passed by the disciplinary authority in confirming the punishment. The said reasoning given by the learned Judge is fully in consonance with the factual matrix as well as law, as there has been no complaint whatsoever on behalf



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of the appellant/writ petitioner with regard to the flaw in conducting the enquiry and to the conclusion reached by the disciplinary authority to inflict the said punishment.

12.Moreover, the punishment itself is a very minor punishment or innocuous in nature and since the appellant/writ petitioner being a retired employee since should have undergone the punishment and even if the punishment has not so far undergone, the impact of the punishment is only the loss of Rs.600/- in his pension. Therefore, for all these reasons, we do not find any reason to interfere with the impugned order passed by the writ Court.

13.Resultantly, this Writ Appeal fails. Hence, it is dismissed. It is made clear that since the appellant/writ petitioner has been permitted to retire peacefully on superannuation in the year 2012, it is needless to mention that he is entitled to get all retiral benefits in accordance with law, except the punishment of cut in pension of Rs.50/- per month for a period of one year. Therefore, if those retiral benefits, if not have already been disbursed to the appellant/writ petitioner, the same shall be disbursed immediately, within a period of four weeks from the date of receipt of a



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copy of this order. However, there shall be no order as to costs.

Consequently, connected Miscellaneous Petition is closed.

[R.S.K.,J.] [G.A.M.,J.]
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Index : Yes / No
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To

- 1.The Principal Secretary to Government,
Animal Husbandry, Dairying and Fisheries (FS2) Department,
Secretariat,
Chennai – 600 009.
- 2.The Director of Fisheries,
Administrative Office Buildings,
DMS Compound,
Chennai – 600 006.



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R.SURESH KUMAR,J.
and
G.ARUL MURUGAN,J.

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ORDER MADE IN
W.A(MD)No.1199 of 2024

DATED : 23.07.2024

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