



W.A(MD)No.1499 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.09.2024

WEB COPY

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.A(MD)No.1499 of 2024
and
C.M.P(MD)No.11662 of 2024**

1.The Additional Chief Secretary,
Department of Finance(T & A-II),
Secretariat,
Chennai – 600 009.

2.The Director,
Treasuries and Accounts Department,
3rd Floor, Integrated Office Complex for
Finance Department,
Veterinary Hospital Campus,
Anna Salai, Nandanam,
Chennai – 600 035.

3.The District Treasury Officer,
Trichy District,
Trichy.

... Appellants/Respondents

-vs-

T.Manickavel

... Respondent/Writ Petitioner

PRAYER: Appeal filed under Clause 15 of Letters Patent, against the
order dated 13.03.2023 made in W.P(MD)No.10865 of 2019.

For Appellants : Mr.SRA.Ramachandran,
Additional Government Pleader
For Respondent : Mr.G.Karthick for
M/s.Lajapathi Roy and Associates



W.A(MD)No.1499 of 2024

JUDGMENT

[Judgment of the Court was made by R.SUBRAMANIAN, J.]

Aggrieved by the order of the Writ Court, dated 13.03.2023 made in W.P(MD)No.10865 of 2019, the State is on appeal.

2. Challenge in the writ petition was to the punishment of stoppage of increment for one year without cumulative effect imposed on the respondent for certain charges framed under Rule 17(a) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules. The charges were that the respondent delayed sending the list of old age pensioners, forwarding the list to the bank and not accepting the list immediately. There was no other charge of dereliction of duty or corruption. The Disciplinary Authority imposed a punishment of stoppage of increment for one year without cumulative effect.

3. The writ Court found that the petitioner has been complaining of non availability of proper internet connection which delayed the process. It was also found that the respondent/writ petitioner had complained about lack of staff and the consequential delay. Finding that there was no monetary loss caused to the Government because of the delay, the writ Court interfered with the punishment and set aside the punishment imposed. Hence, this writ appeal.



W.A(MD)No.1499 of 2024

4. Mr.SRA.Ramachandran, learned Additional Government Pleader would vehemently contend that the fact that there was a delay is admitted and the respondent is responsible for the delay. Once it is found that the respondent is responsible for the delay, the Disciplinary Authority was justified in imposing a very minor punishment. According to him, the writ Court ought not to have interfered with the said punishment.

5. Contending contra, Mr.G.Karthick, learned counsel appearing for the respondent would submit that the fact that the respondent has been complaining about the lack of facilities in the office was not taken into account by the Disciplinary Authority and the Disciplinary Authority had just gone by the fact there was a delay and the respondent was in-charge of the office at the relevant point of time. He would also draw out attention to various letters addressed by the respondent to his higher officials seeking proper internet connectivity and seeking additional work force.

6. We have considered the rival submissions.

7. Admittedly, there was no revenue loss to the Government. It is also not stated that the respondent had willingly or with an intention to derive any economic benefit, had delayed the forwarding of the list to the Treasury. These delays do occur many a times for reasons beyond the



W.A(MD)No.1499 of 2024

control of the Officers concerned. The lack of internet connectivity has become a major problem and we have also become more dependent on machines. Certain work has to be done with internet connectivity through the computers, others though can be done manually is not done just because the staff concerned do not know how to do manual work. In such computer era, these kind of delays will have to be dealt with very soft hands and we find that the writ Court has done just that.

8. We, therefore, do not propose to interfere with the order of the writ Court. The writ appeal fails and it is accordingly dismissed. No Costs. Consequently, connected Miscellaneous Petition is closed.

[R.S.M., J.]

[L.V.G., J.]

03.09.2024

NCC :Yes/No
Index :Yes/No
Internet:Yes
PM

To:

- 1.The Additional Chief Secretary,
Department of Finance(T & A-II),
Secretariat, Chennai – 600 009.
- 2.The Director,
Treasuries and Accounts Department,
3rd Floor, Integrated Office Complex for
Finance Department, Veterinary Hospital Campus,
Anna Salai, Nandanam,
Chennai – 600 035.



W.A(MD)No.1499 of 2024

3.The District Treasury Officer,
Trichy District,
Trichy.



WEB COPY



W.A(MD)No.1499 of 2024
R.SUBRAMANIAN, J.
and
L.VICTORIA GOWRI, J.

pm

W.A(MD)No.1499 of 2024

03.09.2024