



W.P.(MD)No.18036 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.07.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.18036 of 2024

J.Bramanatham

... Petitioner

vs.

1.The Director of Elementary Education,
Chennai - 6.

2.The Chief Educational Officer,
Dindigul District.

3.The District Educational Officer,
Vathalakundu,
Dindigul District.

4.The Headmaster,
S.T.R.N. Government Higher Secondary School,
Aruppukottai,
Virudhunagar District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the order passed by the first respondent in Na.Ka.No. 3109/C3/2021 dated 10.03.2023 in so far as imposing the punishment of three years stoppage of increment with cumulative effect and



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consequential order passed by the fourth respondent in Mu.Mu.No. 95/2023 dated 29.08.2023 and quash the same and direct the respondents to sanction yearly increments with all consequential benefits.

For Petitioner : Mr.V.Panner Selvam

For Respondents : Mr.M.Siddharthan
Additional Government Pleader

ORDER

Heard Mr.V.Panner Selvam, learned counsel appearing for the petitioner and Mr.M.Siddharthan, learned Additional Government Pleader appearing for the respondents.

2. The petitioner has filed this writ petition challenging the order of punishment passed by the appellate authority dated 10.03.2023 which modified the order of recovery of Rs.23,91,759/- to stoppage of three years increment with cumulative effect and also consequential proceedings dated 29.08.2023 to implement the above punishment.

3. The petitioner is working as a Driver in the fourth respondent School. In view of the accident caused by the petitioner while he was on



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duty, he was given with a charge memo on 14.12.2009 and at the conclusion of the disciplinary proceedings, the appropriate authority has imposed a punishment of recovery of Rs.23,91,759/-, which was the compensation amount paid to the legal heirs of the deceased and the injured in the above accident. On appeal, the above punishment has been modified to stoppage of three years increment with cumulative effect.

4. Mr.V.Panner Selvam, learned counsel appearing for the petitioner submitted that even from the impugned order dated 10.03.2023, it is found that the accident had not occurred due to the mistake on the part of the petitioner, but, it had occurred during the spontaneous movement of the vehicle in order to avoid dashing against the lorry which was coming on the opposite side. Even the then District Educational Officer who was also travelling in the vehicle has stated that the Driver has turned the vehicle to the left side just in order to avoid another major accident, however, unfortunately, the accident could not be avoided and the persons who travelled in that vehicle got injured and the vehicle was also damaged.



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5. It is learnt that one of the injured had also succumbed to injuries. Having found that the petitioner is not the reason for the accident and all that he had done was to avoid the accident that was about to happen with the lorry that was coming in the opposite direction in a rash and negligent matter, the first respondent who is the appellate authority could have considered whether it is necessary to impose the punishment upon the petitioner. Even though the above facts form part of the impugned order, there is no observation as to why those facts have been ignored before proceeding to impose a modified punishment.

6. In the facts and circumstances of the case, I feel it is appropriate to remit the matter to the first respondent to re-consider the issue and pass appropriate orders.

7. In view of the above stated reasons, the writ petition is **allowed** and the order of the first respondent in Na.Ka.No.3109/C3/2021 dated 10.03.2023 and the consequential order of the fourth respondent in Mu.Mu.No.95/2023 dated 29.08.2023 are quashed. The matter is



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remitted back to the first respondent. The first respondent shall re-appreciate the issue in the light of the above observations and pass orders afresh within a period of six weeks from the date of receipt of a copy of this order. No costs.

31.07.2024

NCC: Yes/No
Index : Yes/No
Speaking/Non-Speaking order

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To

- 1.The Director of Elementary Education,
Chennai - 6.
- 2.The Chief Educational Officer,
Dindigul District.
- 3.The District Educational Officer,
Vathalakundu,
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R.N.MANJULA, J.

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