BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 04.12.2024

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THE HONOURABLE MR. JUSTICE B.PUGALENDHI

WP(MD)No.20944 of 2018
and
W.M.P.(MD)No.18718 of 2018

V.Jeyaseela Rani ... Petitioner

versus

1. The State of Tamil Nadu,
   Rep. by its Secretary,
   Commercial Taxes and Registration Department,
   Fort St. George,
   Chennai 600 009.

2. The Inspector General of Registration,
   100, Santhome High Road,
   Pattinapakkam,
   Chennai 600 028. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, to call for the records relating to the impugned orders issued by the 1st Respondent herein in GO(D)No.415 (Commercial Taxes and Registration (K) Department) dated 17.11.2016 and GO(D)No.404 (Commercial Taxes and Registration (K) Department) dated 06.11.2017 and quash the same.

For Petitioner : Mr.E.V.N.Siva

For Respondents : Mr.G.V.Vairam Santhosh,
Additional Government Pleader

ORDER

The petitioner is working as Sub-Registrar in the Registration Department. While she was working as Sub-Registrar in the District Registrar Office, Thanjavur, she was issued with a charge memo under Rule 17(b) of the Tamil Nadu Civil Service (Discipline and Appeal) Rules on 24.3.2014. After the enquiry, she was also imposed with a punishment of stoppage of increment for a period of six months without cumulative effect, by order dated 12.02.2016. As against this order of punishment dated 12.02.2016, the petitioner has filed an appeal before the first respondent on 21.4.2016 and the same was rejected by the first respondent by confirming the order of punishment vide G.O.(D)No.415 (Commercial Taxes and Registration (K) Department dated 17.11.2016. The petitioner has also filed a review petition before the first respondent on 01.02.2017 and the same was also rejected by the first respondent vide G.O.(D)No.404 (Commercial Taxes and Registration (K) Department)

Dated 06.11.2017. Challenging the said G.Os., the petitioner has filed this writ petition.

2. The learned counsel appearing for the petitioner submits that the appellate authority, being the fact finding authority, ought to have considered all the points raised by the petitioner and ought to have assigned reasons while rejecting the petitioner's appeal and review petition. But, the appellate authority, without considering the points raised by the petitioner and without assigning any reasons, has passed the abovesaid G.Os. in a mechanical manner. The learned counsel has also relied upon an order passed by this Court in W.P.(MD)No.18568 of 2014 dated 04.04.2017 and submits that the disciplinary authority as well as the appellate authority ought to have taken the decision independently, dehors the recommendations of the Tamil Nadu Public Service Commission.

3. The learned Additional Government Pleader submits that the disciplinary proceedings were initiated against the petitioner for certain irregularities in official work, such as, sending reports to the higher

officials belated, delayed in issuance of receipts for the payment made by the petitioner, irregularities in the registration service offered to the public and not co-operated to the internal audit team by not providing necessary documents. Therefore, based on the enquiry report that all the charges were proved, a minor punishment of stoppage of increment for the period of six months without cumulative effect was imposed on the petitioner. Considering the allegations levelled against the petitioner, the first respondent has also rejected the appeal and review petition filed by the petitioner. Therefore, there is no reason to interfere with the impugned Government Orders.

4. This Court considered the rival submissions made and perused the materials placed on record.

5. This writ petition has been filed challenging GO(D)No.415 dated 17.11.2016 and GO(D)No.404 dated 06.11.2017, rejecting the petitioner's appeal and review petition, by confirming the order of punishment passed by the appeallate authority.

6. The scope of judicial review in matters relating to disciplinary proceedings is very limited. It is meant to ascertain as to whether due process was followed and whether a fair opportunity was accorded to the employee concerned. The power of Courts is limited to reviewing the decision making process, rather than the merits of the decision itself. This is to ensure fairness in treatment and not the fairness of the conclusion. The Courts should not interfere with the findings of the fact arrived at in the departmental enquiry proceedings, except in cases of mala fide or perversity.

7. In the case on hand, the petitioner has not made out any case that there was any violation of procedures as contemplated under Rule 17(a) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules or any mala fide or perversity. In the absence of any contravention of any of the procedures as contemplated under the Rules, this Court, in the writ jurisdiction, is not inclined to interfere with the impugned order of punishment by appreciating / re-appreciating the evidence.

8. Accordingly, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

04.12.2024

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NCC : Yes / No.
Index : Yes / No.
Internet: Yes / No.

To

1. The Secretary,
   Commercial Taxes and Registration Department,
   Fort St. George,
   Chennai 600 009.

2. The Inspector General of Registration,
   100, Santhome High Road,
   Pattinapakkam,
   Chennai 600 028.

B.PUGALENDHI, J.

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