



W.A.(MD) No.262 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.02.2024

CORAM:

**THE HONOURABLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
and
THE HONOURABLE MR.JUSTICE G.ILANGO VAN**

W.A.(MD) No.262 of 2024

and

C.M.P.(MD) No.2421 of 2024

- 1.The Secretary to Government
Public Work Department, Secretariat
Chennai-600 009
- 2.The Chief Engineer
Public Work Department
Chepauk, Chennai-600 005
- 3.The Superintendent of Engineer
Public Work Department
Water Resource Organization
Thambarani Division
Tirunelveli
- 4.The Executive Engineer
Public Work Department
Water Resource Organization and
Sea Erosion Preventive Division
Nagercoil, Kanyakumari District

... Appellants

-VS-

P.Manas

... Respondent



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Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 19.12.2022, passed in W.P.(MD) No.12836 of 2014, on the file of this Court.

For Appellants : Mr.N.Satheesh Kumar
Additional Government Pleader

J U D G M E N T

**[Judgment of the Court was made by
The Hon'ble CHIEF JUSTICE]**

The present respondent / writ petitioner is an employee of the appellants. A punishment was imposed upon him on the ground that as the President of Parent – Teacher Association, he had received funds for the development of the School. The punishment of stoppage of one increment without cumulative effect was imposed on the respondent / writ petitioner i.e. a minor penalty. The learned Single Judge allowed the writ petition filed by the respondent. Aggrieved thereby, the present writ appeal.



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2. Learned Additional Government Pleader for the appellants submits that the respondent being a Government servant could not have accepted funds. The same amounts to dereliction of duty and misconduct within the meaning of Rule 20 of the Tamil Nadu Government Servants' Conduct Rules, 1973 (in short, "the Conduct Rules, 1973"). The learned Single Judge failed to consider the said aspect in proper perspective.

3. It appears that upon the explanation received from the respondent, the appellants took action against the respondent. There is no charge of misappropriation of amount against the respondent. The respondent's son was studying in the School. In the said School, as per the statute, Parent – Teacher Association was formed and the respondent was the President of that Parent – Teacher Association. The same was not interfering with his official duty. None of the ingredients of Rule 20 of the Conduct Rules, 1973 were attracted. The allegation against the respondent is not that because of the respondent being elected as the President of the Parent – Teacher Association, he has neglected his official duty.

4. The learned Single Judge has properly considered the said aspect. We find no case for interference.



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5. The writ appeal, as such, is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

[S.V.G., C.J.]

[G.I., J.]

26.02.2024

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

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To:

- 1.The Secretary to Government,
Public Work Department, Secretariat,
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- 2.The Chief Engineer,
Public Work Department,
Chepauk, Chennai-600 005.
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