



W.P.No.10251 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.12.2025

CORAM

THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

W.P.No.10251 of 2015

M.Angamuthu

S/o.A.Munusamy

... Petitioner

vs.

1. The Commissioner
Chennai City Municipal Corporation
Ripon Buildings
Chennai-600 003.
2. The Secretary to Government
Municipal Administration and Water Supply
Department
Secretariat, Chennai-600 009.
3. The Appointment Committee
Chennai City Municipal Corporation
Chennai-600 003.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India
seeking a Writ of Certiorarified Mandamus, to call for the records relating to

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the impugned order of the 1st respondent issued in GDC No.E13/46318/2008 dated 21.09.2013 imposing the penalty of dismissal on the petitioner and the consequential orders passed by the 1st respondent rejecting the appeal of the petitioner in the proceedings issued in GDC.No.E13/46318/2008 dated 29.01.2014 and the rejection of the revision petition by the 2nd respondent in G.O.(D)No.159, Municipal Administration and Water Supply Department, dated 12.03.2015 and quash the same and consequently, direct the 1st respondent to permit the petitioner to rejoin duty with all consequential benefits.

For Petitioner : Mr.T.Ranganathan
For Respondents : Mr.V.Veluchamy
Additional Government Pleader,
for R2
Mr.S.Gopinath
Panel Advocate, for R1 & R3

ORDER

The petitioner has sought for the following reliefs:

To call for the records relating to the impugned order of the first respondent dated 21.09.2013 issued in GDC No. E13/46318/2008, whereby



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the penalty of dismissal was imposed on the petitioner, along with the consequential orders passed by the first respondent rejecting the petitioner's appeal vide proceedings dated 29.01.2014 (GDC No. E13/46318/2008), and the rejection of the revision petition by the second respondent dated 12.03.2015 in G.O.(D) No. 159, Municipal Administration and Water Supply Department, and to quash the same, and consequently, direct the first respondent to permit the petitioner to rejoin duty with all consequential benefits.

2. By the aforementioned orders, the petitioner was dismissed from service. While working as a Conservancy Maistry, the petitioner was issued with a charge memo, which reads as follows:

“Charge No.1: That, when he worked as Conservancy Inspector at Dn.110, Zone VII, had falsely and fraudulently claimed salaries for the absented period of Conservancy



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Workers for the period from 16th June 2008 to 15th July 2008 and 16th July 2008 to 10th August and made Corporation to incur financial loss of Rs.77,132/.

Charge No.2 : That he wantonly and fraudulently made the disappearance of valuable records of attendance register pertaining to the claim of salary for the period from 11.08.2008 to 08.12.2008 and prevented the verification of pay drawn, particularly for Tmt.Pollammal.

Charge No.3 : That he has violated the Rule 20 of the Madras Corporation Servants' Conduct Bye-Laws 1983."

3. The petitioner submitted a response to the charge memo by letter dated 20.12.2011, denying the charges. The relevant portion of the explanation reads as follows:

"Charge No.1 : Thiru.M.Angamuthu, Conservancy Inspector when he worked at Dn.110, Zone VII has falsely and fraudulently claimed salaries for the absented period of conservancy workers for the period from 16.06.2008 to



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16.07.2008 and 16.07.2008 to 10.08.2008 and made the Corporation to incur financial loss of Rs.77,132/-.

When I worked as Conservancy Inspector, Dn.110, Zone VII, I have not falsely and fraudulently claimed salaries for the absent period of conservancy workers for the period from 16th June 2008 to 15th July 2008 and 16th July 2008 to 10th August and not made any loss to Corporation to incur financial loss of Rs.77,132/-.

Charge No.2 : That M.Angamuthu, Conservancy Inspector had wantonly and fraudulently made the disappearance of the valuable records of attendance register pertaining to claim of salary for the period from 11.08.2008 to 08.12.2008 and prevented the verification of pay drawn, particularly for Tmt.Pollammal.

I have no intension to hide any records, when I have not made any mistake.

Charge No.3 : That he has violated the Rule 20 of the Madras Corporation Servants' Conduct Bye-Laws 1983.

When I have not made any irregularity, so violation of



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Rule 20 of the Madras Corporation Servant Conduct Bye-Laws

does not arise.

*The above fact may kindly be considered and request
your good-self to drop the charges.”*

4. The explanation submitted by the petitioner was found to be unsatisfactory. Consequently, a departmental enquiry was initiated. The Enquiry Officer, after conducting the enquiry, submitted a report holding that the charges against the petitioner were proved. Thereafter, the Disciplinary Authority issued a second show-cause notice, to which the petitioner submitted his reply. Upon considering the enquiry report and the further explanation submitted by the petitioner, the Disciplinary Authority passed an order dismissing the petitioner from service. The said order of dismissal was subsequently confirmed by both the Appellate Authority and the Revisional Authority. Aggrieved by the same, the captioned writ petition has been filed.

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Authority ought to have furnished the provisional conclusions along with the second show-cause notice. However, without forming such provisional conclusions, the Disciplinary Authority issued the second show-cause notice, thereby depriving the petitioner of his legitimate right to effectively respond. Hence, the impugned order passed by the respondent, dismissing the petitioner from service, is arbitrary, discriminatory, and violative of the principles of natural justice.

7. In response, Mr. S. Gopinath, learned counsel for Respondents 1 and 3, submitted that the petitioner, being the custodian of the Attendance Register, bore the burden of proving that the charges levelled against him were baseless. According to him, the petitioner failed to establish that he was not in custody of the Attendance Register; therefore, the Enquiry Officer rightly held Charge No. 2 to be proved. He further submitted that the preliminary enquiry report submitted by the Vigilance Officer clearly

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established the petitioner's guilt in respect of Charge No. 1. The Enquiry Officer, after strictly following the prescribed procedures, submitted his report, which cannot be faulted. Accordingly, in the absence of any illegality or perversity in the impugned order of dismissal, the present writ petition is devoid of merits and liable to be dismissed.

8. The arguments of the learned counsel for the parties and the materials on record have been duly considered.

9. The Vigilance Officer submitted a preliminary report dated 13.12.2008 concerning malpractices in falsely claiming salaries for the Conservancy staff in Division 110 for the periods from 16th June to 15th July 2008 and 16th July to 10th August 2008. In the said report, it was stated that the petitioner, who was working as the Conservancy Inspector, along with P. Annadurai, Assistant Executive Engineer, and B. Murali Krishnan,



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had fraudulently claimed salaries for the Conservancy workers for the
aforementioned periods.

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10. Based on the preliminary enquiry report, a joint enquiry was initiated against all three delinquents. However, the Enquiry Officer submitted separate reports in respect of each delinquent, recording that the charges were proved. While the Disciplinary Authority dropped the charges against the other two delinquents, it concluded that the charges against the petitioner were proved and imposed the penalty of dismissal.

11. Admittedly, before the Enquiry Officer, the Corporation neither examined any witnesses nor produced any documentary evidence to substantiate the allegations against the petitioner. During the course of the enquiry, a copy of the preliminary enquiry report was furnished to the petitioner. Notwithstanding this, the Enquiry Officer proceeded to submit a



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report holding that the charges against the petitioner were proved solely on the basis of the Vigilance Officer's preliminary enquiry report. In the absence of any oral or documentary evidence, the Enquiry Officer erred in holding that the charges against the petitioner were proved only on the basis of preliminary report.

12. The charges cannot be established merely on the basis of a preliminary enquiry report. The Management was obliged to discharge the onus of proof by adducing evidence, oral testimony and/or documentary materials showing that the petitioner had fraudulently drawn the salaries of sanitary workers during their absence. The impugned order of the Disciplinary Authority dated 21.09.2013 merely records the charges, the explanations submitted by the delinquents, and the Enquiry Officer's conclusions, but it contains no independent findings on the material before it to justify a conclusion that the charges against the petitioner were



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established.

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13. It is a settled principle of law that punishment in a departmental enquiry can be sustained only when the foundational requirements of a valid charge memo, adherence to principles of natural justice, proof of charges by legally acceptable evidence, independent application of mind by the disciplinary party are strictly complied with. Any infraction of these essential elements vitiates the entire disciplinary proceedings and renders the order of punishment liable to be quashed.

14. Bye-law No. 9(3) of the Bye-Laws states that after the enquiry referred to in clause (2) has been completed and after the authority competent to impose the penalty has arrived at a provisional conclusion regarding the penalty to be imposed, the person charged shall be supplied with a copy of the report of the enquiry authority and shall be called upon to

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show cause, within a reasonable time not ordinarily exceeding one month, against the particular penalty proposed to be inflicted.

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15. However, the second show-cause notice does not disclose the provisional conclusion arrived at by the Disciplinary Authority in relation to the proposed penalty, thereby depriving the petitioner of an opportunity to submit an effective explanation.

16. The petitioner, in his explanation to the first show-cause notice, had categorically denied the charges. Therefore, the burden squarely rested on the Management to establish the charges. However, the Management failed to discharge this burden, having proceeded solely on the basis of the preliminary enquiry report submitted by the Vigilance Officer. In the absence of any evidence, much less cogent evidence, the finding recorded by the Enquiry Officer, based exclusively on the preliminary enquiry report, is



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unsustainable and contrary to settled principles of service jurisprudence.

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Consequently, the impugned order passed by the Disciplinary Authority, as confirmed by the Appellate Authority and the Revisional Authority, is not legally sustainable and is liable to be set aside.

17. In the light of the foregoing discussion, the following order is made:

- (i) The captioned Writ Petition is allowed;
- (ii) The impugned orders dated 21.09.2013, 29.01.2014 and 12.03.2015 are set aside;
- (iii) The respondents are directed to reinstate the petitioner into service with continuity of service and other attendant benefits and with 50% of backwages for the non-employment period;



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(iv) The said exercise shall be completed within a period

of two months from the date of receipt of a copy of this order.

The connected miscellaneous petition is closed. No costs.

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Index : Yes / No

Neutral Citation : Yes / No

Speaking / Non-speaking

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To

1. The Commissioner
Chennai City Municipal Corporation
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2. The Secretary to Government
Municipal Administration and Water Supply
Department
Secretariat

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3. The Appointment Committee
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