



W.P.No.10725 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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CORAM:

THE HONOURABLE **MR.JUSTICE RMT.TEEKAA RAMAN**

W.P.No.10725 of 2015

Judgment reserved on 06.03.2025	Judgment pronounced on 02.06.2025
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A.Dhanalakshmi

...Petitioner

.....Vs.....

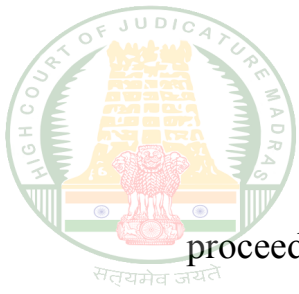
1.The Secretary to Government,
Handloom, Handicrafts, Textiles & Khadi Department,
Government of Tamil Nadu,
Fort.St.George, Chennai - 600 009.

2. The Chief Executive Officer,
Tamil Nadu Khadi and Village Industries Board,
Kuralagam, Chennai - 600 108.

3. The Assistant Director,
Tamil Nadu Khadi and Village Industries Board,
Dindugal.

.....Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, to call for the records relating to proceedings in Na.Ka.No.17028/01/E4(1), dated 02.08.2010 passed by the second respondent and consequential order vide



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proceeding in Letter No.8397/F1/2014-2, dated 08.01.2015 passed by the first respondent and quash the same as illegal and consequently direct the respondents to grant all monetary, terminal and pensionary benefits to the petitioner.

For Petitioner : Mr.L.Chandrakumar

For Mr.K.Sasindran

For R1 : Mr.V.Veluchamy,
Additional Government Pleader

For R2 & R3 : Mr.P.A.Arvinth Viveks,
Senior Counsel

ORDER

The petitioner, who worked as an Assistant Grade-I / Manager at Khadi Kraft in Kodaikanal, filed the above writ petition challenging the order of removal from service imposed by the disciplinary authority and confirmed by the revisional authority.

2. The disciplinary authority, by an order dated 02.08.2010, imposed the punishment of removal from service. The same was confirmed by the first respondent .

3. The service record of the petitioner is as follows:

(i) The petitioner was working as a Khadi Assistant Grade-I / Manager at Khadi Kraft in Kodaikanal from 03.06.1991. She was found to have prepared bogus sales bills in the names of various individuals.



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(ii) Upon verification of the bills and inquiry at the address mentioned in Credit Sale Bill No. 346200, dated 24.12.1998, for Rs. 5,908/- in the name of Dhairiyam Vincent, it was found that the dues had already been settled by the concerned individual. In respect of Credit Sale Bill No. 346465, dated 20.10.1999, for Rs. 8,082/- in the name of Amalavijayaselvi of Mother Teresa Women's University, it was found that the petitioner had prepared a bogus bill and misappropriated the amount, as the individual had provided a letter stating that she had not taken any goods as per the invoice.

(iii) As the petitioner had not obtained any signatures on the credit bills, it further proves that the sales were bogus.

(iv) Similarly, in Bill No. 456807, dated 04.08.1998, for a sum of Rs. 7,098/- issued in the name of one Lakshmi, a teacher at the Government Girls School, Pannaikadu, the Headmaster of the school confirmed in writing that no such teacher was working at that school.

(v) Likewise, the sales conducted by the petitioner under Bill Nos. 456808, 456815, 346167, 346163, 346175, 346465, 346436, 346463, and 346464, among others, were also found to be bogus.

4. Hence, the following charges were framed against the petitioner:

Charge No.1:

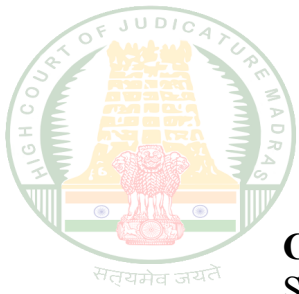
A. Dhanalakshmi, Khadi Assistant Grade-I, who served as Manager at Khadi Kraft, Kodaikanal from 03.06.1991 to 28.02.2000, misappropriated Khadi demand collection funds amounting to Rs. 1,038/- by preparing an undated cash bill and failing to remit the amount into the Board's account.

Charge No.2:

During the financial years 1998–1999 and 1999–2000, she prepared bogus credit bills to adjust cash sales amounting to Rs. 43,246/-, which was subsequently misappropriated by her.

Charge No.3:

She forged signatures on credit sales bills prepared in the names of fictitious customers.



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Charge No.4:

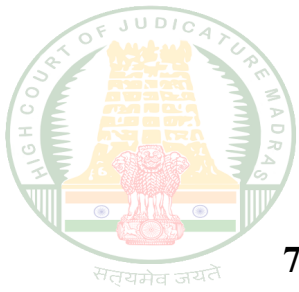
She failed in her duties and responsibilities by not maintaining the sales summary, demand collection, and balance registers for the years 1998–1999 and 1999–2000, and did not produce the same for audit purposes.

Charge No.5:

She violated the Tamil Nadu Government Servants' Conduct Rules by absenting herself from duty without permission on 30.03.2001 and 31.03.2001.

5. The petitioner was suspended from service on 30.03.2001 by the Assistant Director, Khadi and Village Industries, Dindigul. It is true that the petitioner challenged the suspension order in W.P. No. 7065 of 2001 before this Court and obtained an order of stay. Consequently, she was reinstated in her original post on 16.04.2001. The petitioner submitted her explanation to the charges on 06.08.2001. The departmental enquiry was conducted and concluded on 10.12.2001

6. Thereafter, the petitioner applied for medical leave from 19.09.2002 and failed to rejoin duty upon its expiry. She was referred to the Medical Board for evaluation; however, she did not appear before the Board. Her continuous absence from duty for more than six months amounts to unauthorized absence.



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7. In view of the petitioner's unauthorized absence for over one year—specifically, more than six months—and her failure to appear before the Medical Board despite being referred, it is evident that the petitioner remained absent from duty without the approval of the Head Office.

8. The following additional charges were framed against the petitioner vide charge memo dated 13.01.2004:

Charge No.1:

She proceeded on continuous leave in violation of the rules, thereby failing to discharge her duties and responsibilities.

Charge No.2:

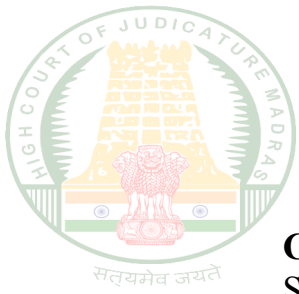
She left the headquarters without providing a proper leave address and returned official correspondence. Furthermore, she provided an address in the name of a private company in Bangalore, which is contrary to the applicable rules and regulations.

Charge No.3:

While carrying forward entries from pages 113, 114, and 115 in the 1999 Demand Collection and Balance Register of Khadi Kraft, Dindigul, she failed to properly carry over the figures, resulting in a loss amounting to Rs. 4,322.60.

Charge No.4:

She obtained a medical certificate from Dindigul while residing in the State of Karnataka without obtaining prior permission from the Board. Despite being instructed to appear before the Medical Board, she failed to comply. By residing in another State without proper authorization, she violated the service rules.



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Charge No.5:

She failed to comply with instructions issued by higher authorities and did not rejoin duty, even after her leave was rejected through official letters and telegrams.

Charge No.6:

She absented herself from duty starting from 31.07.2003. She failed to perform her duties and remained absent for more than one year, commencing from 19.09.2002.

9. Subsequently, the charges were found to be proved, and the impugned order was passed. Therefore, the writ petition was filed.

10(i). The learned counsel for the petitioner submits that while the petitioner was working as an Assistant in the Regional Khadi Board at Kodaikanal, she was served with a Show Cause Notice dated 28.06.2000 for alleged misconduct, followed by a charge memo dated 04.06.2001. After submitting her explanation and the subsequent enquiry, the second respondent passed an order on 29.03.2005, wherein it was observed that sufficient opportunity had not been given to the delinquent officer to present her case. As a result, a de novo enquiry was ordered. Following this, a fresh charge memo was issued on 13.01.2004, and a second charge memo was issued on 23.02.2006. Based on the said orders and communications, the enquiry was completed by the Director, and a punishment of removal from



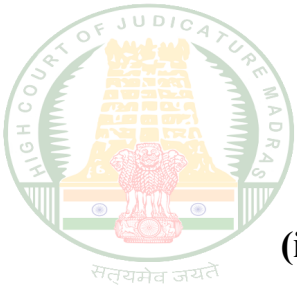
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service was ordered.

WEB COPY (ii) On the above factual matrix, the learned counsel for the petitioner

contends that, due to health issues, the petitioner left for Bangalore, Karnataka, to stay at her son's house for medical treatment. She duly informed the respondents and provided her new address for communication. Despite this, the respondents sent the official enquiry notices to the petitioner's original address, ignoring the representation that she was residing with her son in Bangalore and undergoing treatment. Consequently, the letters sent to the original address were returned, and this became part of another charge outlined in the second charge memo dated 23.02.2006.

(iii) The learned counsel further contended that, since the petitioner was receiving treatment in Bangalore, the Medical Board refused to conduct the enquiry due to her residing in another state. Following this, the second respondent passed the order of removal from service. On 01.10.2003, the petitioner submitted an application for Voluntary Retirement, which was returned due to non-compliance with the criteria of 15 years/20 years of service. Another application was submitted on 25.05.2004, which is still pending.



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(iv) The learned counsel further submitted that, in light of the limited time available, the relief sought by the petitioner would be sufficient if the punishment of removal from service is set aside and modified to Compulsory Retirement.

(v) The ground on which the second charge memo and the proceedings are challenged is that, in the second charge memo, no fresh witnesses were examined.

11. Pursuant to the order passed by this Court on 24.02.2025, the learned counsel for the Khadi Board produced the entire records, including the enquiry report, and also filed the necessary documents in support of their case.

12. Mr. L. Chandrakumar, learned counsel appearing for the petitioner, submits that in the de novo inquiry order passed by the authority on 03.05.2023, specific reference was made to the fact that the persons employed at the Kodaikanal Khadi Board office were not examined. Furthermore, the delinquent officer was not given an opportunity to cross-examine the departmental witnesses. A necessary opportunity must be provided to the



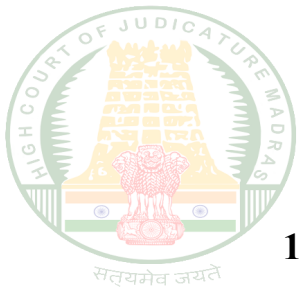
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delinquent officer to present evidence. Accordingly, a de novo inquiry was ordered, and the inquiry was conducted after the remand order. However, only one person, namely Jeyaraman, was examined, while others were not. As a result, the inquiry report, upon which the impugned order was passed, does not comply with the de novo inquiry order dated 03.05.2023.

13. Further, it is contended that the punishment order dated 02.08.2010 was not served to the petitioner's given address but was instead sent to her old address, resulting in a delay in filing the appeal. Additionally, the inquiry report was not furnished to the petitioner, and as a result, the appeal was dismissed.

14. Per contra, the learned Standing Counsel has produced the inquiry report and submitted that during the inquiry, the delinquent officer chose to have only one person examined. Accordingly, that person was examined, and the delinquent officer did not opt to cross-examine the witness. Hence, the inquiry was conducted properly.

15. I have perused the inquiry report.



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16. The first set of charges relates to misconduct, including the preparation of fake and forged bills, the use of bogus signatures, the fabrication of records, and the misappropriation of funds by raising bogus bills amounting to Rs. 43,246/- in the year 1998-1999. Upon completion of the first enquiry concerning charges 1 to 5, the petitioner appears to have applied for medical leave. However, after the expiry of her medical leave, she failed to rejoin duty. She was referred to the Medical Board but did not attend. This led to the framing of additional charges, namely charges 1 to 6 and 7, as stated above.

17. The records produced by the Government indicate the following facts:

(i) The charge memo was sent to the petitioner's leave address and was received by her son on 07.05.2006, who assured that he would hand it over to her. However, the charge memo was ultimately received by the petitioner herself on 07.08.2006. The enquiry officer conducted the enquiry on 25.08.2006, in which the petitioner participated and was allowed to cross-examine the witnesses. The enquiry officer submitted his report on



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02.03.2007. The copy of the enquiry report was sent to the petitioner on 14.03.2007 and 29.06.2007; however, these covers were returned due to insufficient address.

(ii) The petitioner was residing in Bangalore and failed to provide a proper address. Eventually, the petitioner's son, P. Mouli, received the enquiry officer's report on 30.12.2008. The petitioner did not submit her explanation and was unwilling to join duty. Consequently, the disciplinary authority, in its proceedings No. 17028/2001/E4(1) dated 02.08.2010, imposed the punishment of "removal from service" and also directed the recovery of dues through the Revenue Recovery Act. It appears that, following Regulation 43(iii) of the Tamil Nadu Khadi and Village Industries Board's Service Regulations, the petitioner was required to prefer an appeal within the stipulated time .

18. The petitioner claimed that the copies were not served upon her, and as a result, her appeal was dismissed. However, as directed by this Court in W.P. No. 27127 of 2014, the case was reviewed by the first respondent, and the appeal was subsequently rejected.



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WEB COPY 19. It follows from the records that the petitioner committed irregularities while working as Manager at Khadi Kraft, Kodaikanal, causing a loss to the Board. Charges under Regulation 34(b) of the Tamil Nadu Khadi and Village Industries Board's Service Regulations were framed against her. After completing all the formalities as per the Disciplinary and Appeal Rules, the petitioner was "Severely Warned" vide the Chief Executive Officer's Proc. No. 55160/96/E3(1), dated 13.10.1999.

20(i). Hence, this Court finds that, as per the rules contained in the Disciplinary and Appeal Rules, the Enquiry Officer was appointed to conduct an enquiry into the two sets of charges framed against the petitioner. The petitioner herself requested that the enquiry be conducted in Chennai. Based on her request, the Enquiry Officer conducted the enquiry at Chennai. The petitioner fully cooperated with the enquiry without any objection but now asserts that the enquiry was illegal.

(ii) The Enquiry Officer conducted the enquiry and submitted the enquiry report, which was forwarded to the petitioner for her further



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explanation several times. The petitioner's son, Mouli, received the report and acknowledged the postal receipt. Despite reminders, the petitioner failed to submit her further explanation.

(iii) This Court finds that the petitioner misappropriated a sum of Rs. 26,000/-, which was discovered by the then Assistant Director of Khadi and Village Industries, Dindigul, and the Khadi Inspector at the O/o. Assistant Director, Khadi and Village Industries, Dindigul. The petitioner admitted her fault and came forward to remit the amount of Rs. 26,000/- on 30.03.2001.

(iv) In order to investigate the entire issue, she was placed under suspension, and the records clearly show the irregularities committed by her. For the grave irregularities proven against her, a major punishment was imposed.

21(i). At this juncture, this Court finds that the petitioner has consistently given false residential addresses during her leave period.

(ii) The petitioner applied for leave from 19.09.2002 and resided in Karnataka State without proper permission. No report was received from her



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after 31.07.2003. The Enquiry Officer's report for the two sets of charges was forwarded to her via the Board's letter No. 17028/2001/E4(1) dated 14.03.2007. Her son received the Board's letters and acknowledged receipt through the postal acknowledgment. The petitioner was reminded again on 29.06.2007, and this letter was received by someone else on 23.07.2007. The Enquiry Report was re-sent to her on 30.04.2008, but it was returned with the note "door closed." She was further reminded by letter dated 18.11.2008, which was received and acknowledged by her son on 30.12.2008. Despite several opportunities extended to her, she failed to submit her further explanation until the issuance of the final order on 02.08.2010.

22. Hence, this Court disapproves of the petitioner's attitude in moving away from the location immediately after the conclusion of the enquiry without obtaining permission from the headquarters. The reason is obvious and does not require further explanation, which led to the framing of the second set of charges.

23. The Enquiry Officer, as well as the disciplinary authority, has categorically held that the charges of misappropriation, forged documents,



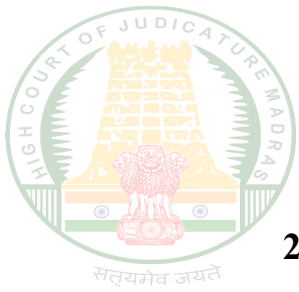
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and forged signatures have been proven in accordance with the law. Exhibit

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26, which is annexed with the medical certificate provided by the petitioner, clearly indicates that she was residing at an institutional address in Bangalore. Furthermore, she did not obtain prior permission from the Assistant Director or the concerned authority before moving to Bangalore, Karnataka. She remained on continuous medical leave and failed to appear before the Medical Board despite several communications. Certificate 30, marked before the Enquiry Officer, further substantiates this.

24. Thus, the petitioner was absconding from duty for more than one year, from 1999 to 2002, and ignored her responsibilities. As per Certificate 31, she was duly served at the address provided by her, namely Dell Company, Bangalore, on 01.07.2007, which is of significance. Out of the two sets of charges leveled against the petitioner, Charges 2 and 3 from the first set were proven, while Charges 1, 4, and 5 were dropped as the amount involved is low. Regarding the second set of charges, which consists of 7 charges, Charges 1, 4, 5, 6, and 7 were proved.

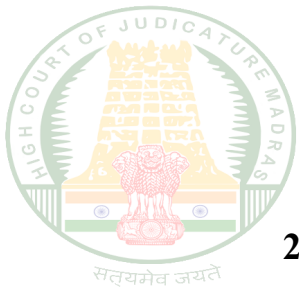


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25. Accordingly, the disciplinary authority, namely the Chief Executive

Officer of Khadi, rightly concluded that the petitioner manipulated sales amounts, prepared false credit lists to cover stock deficiencies, caused a loss to the Board, acted against Board rules, forged signatures, and engaged in unauthorized absence without informing the Board of her leave address. The petitioner also left the headquarters without informing the Board, stayed in Karnataka without permission, and failed to join work even after the cancellation of her leave application. She did not respond for more than one year, starting from 19.09.2002. Further, she did not attend work without any information after 31.07.2003. Based on these findings, the disciplinary authority rightly concluded that the above charges were proved, including absence from duty, executing false documents, and manipulation, and hence ordered her removal from service for the proved allegations.

26. Since the petitioner has not joined work as directed, the charges mentioned above have been proved. Her request for Voluntary Retirement remains pending, and therefore, no fault can be found with the same .



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27. On the factual matrix, I find that the points raised by the petitioner are merely an afterthought, invented for the purpose of this case. After the conclusion of the enquiry for the first set of charges, she left the place and stayed with her son in Karnataka without following the rules, as discussed above. The reason for this is obvious, and I find that the writ petition is devoid of merits.

28. Accordingly, *this writ petition is dismissed*. No costs.

02.06.2025

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Index : Yes / No

Neutral Citation : Yes/No

To

- 1.The Secretary to Government,
Handloom, Handicrafts, Textiles & Khadi Department,
Government of Tamil Nadu,
Fort.St.George, Chennai - 600 009.
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order in
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