IN THE HIGH COURT OF JUDICATURE AT MADRAS

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THE HON'BLE MR. JUSTICE RMT.TEEKAA RAMAN

W.P.Nos.12276 & 12277 of 2013
and M.P.Nos.1 & 2 of 2013

Judgment reserved On 14.03.2025	Judgment pronounced on 02.06.2025

S.Tamilselvi ... Petitioner

Vs

1.The Principal Secretary to Government,
Revenue Department, Fort St.George,
Chennai – 9.

2.The Commissioner,
The Tribunal for Disciplinary Proceedings,
Thanjavur. ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorari calling for the records pertaining to the order dated 25.05.2012 in G.O.(2D) No.274 dated 25.05.2012 passed by the 1st respondent and quash the same as illegal and arbitrary.

For Petitioner : Ms.S.Yogalakshmi for
Mr.D.Lakshmipathy

For Respondents : Mr.V.Veluchamy,
Additional Govt. Pleader

COMMON ORDER

By consent of both the parties, theses writ petitions are taken up together and a common order is passed.

2. W.P.No.12276 of 2013 has been filed challenging the punishment of stoppage of increment for two years with cumulative effect and to recover 25% of the loss caused to the Government from the salary of the petitioner.

3. The service matrix of the case is as follows –

3.1 The petitioner was recruited as Office Assistant in the Revenue Department in the year 1993 – 1994 and he joined as Assistant on 15.02.1996 in Vellore Tahsildar Office. Thereafter, in the year 2003, he was promoted as Revenue Inspector and posted in Edayur Firka of Thiuthuraipoondi Taluk, Thiruvarur District.

4. The prime allegation against the petitioner is that she, as a Revenue Inspector for Firka, failed to verify the beneficiary list for the drought relief amount sanctioned by the Government thereby caused loss to the Government to the tune of Rs.81,500/-. At the instance of the public, Case No.17 of 2005 of Tribunal for Disciplinary Proceedings was initiated against the petitioner, Tmt.S.Tamilselvi for the reasons stated supra, while she was working as Firka Revenue Inspector, Edaiyur, ThiruthuraipoondiTaluk, Tiruvarur District. As the charges were proved, the Government, in its order in G.O.(2D) No.247, Revenue Department, dated 25.05.2012 have passed order imposing punishment of stoppage of increment for two years with cumulative effect and also to recover 25% of the loss caused to the Government, i.e. Rs.20,370/- from her salary in four instalments. Accordingly, the punishment of stoppage of increment for two years with cumulative effect was given effect to the petitioner and she has already remitted the 25% of recovery amount from her salary as detailed below –

Srl.No.	Month & Year	Amount recovered – Rs.
1	December 2012	5092/-
2	January 2013	5092/-
3	February 2013	5093/-
4	March 2013	5093/-

5. On perusal of the original order passed by the Government dated 05.04.2007, I find that the counter filed by the first respondent in both these cases are factually misleading the court.

6. On perusal of the order passed by the Tribunal in TTP No.17 of 2005 dated 16.05.2006, I find that the charges are held to be not proved but however, in the counter filed by the first respondent on behalf of the respondents, signed by the Deputy Secretary to Government, Revenue Department, Chennai it is mentioned as charges were proved, which is factually incorrect.

7. While the Tribunal has held that the charges are not proved, the Government, after perusing the report has come to the conclusion to disagree with the Tribunal so far it relates to the allegations and for the reasons as stated in the Annexure that the petitioner who was working as a Revenue Inspector must be diligent and the Revenue Inspector should make an attempt to make physical verification whereby the delinquent, Revenue Inspector allowed the ineligible persons to receive the relief under calamities

thereby caused loss to the Government to the tune of Rs.81,500/-. Hence, the Government thought it fit to deviate from the finding of the Tribunal for the disciplinary proceedings.

8. Thereafter, explanation has been called for by the Government, i.e. Revenue Department and the petitioner also filed explanation and the same was considered and thereafter the Government has refused to accept further explanation and held that further explanation given by the petitioner is not convincing and therefore decided to hold that the charges are proved and for the same, punishment of stoppage of increment for a period of two years with cumulative effect and to recover 25% of the loss caused to the Government, i.e. Rs.20,370/- in four instalments was imposed.

9. Besides, opinion of TNPSC has also been sought for and after obtaining the same, the above punishment has been imposed on the petitioner.

10. W.P.No.12277 of 2013 has been filed wherein the petitioner seeks promotion stating that though she has paid the penalty amount in four equal

instalments, she had not been considered for the promotion during the year 2008 – 2011.

11. On the procedural aspects, while the second respondent has deviated from the findings of the Tribunal for disciplinary authority, has rightly issued Show Cause Notice and obtained further explanation.

12. On the point of merits, the reasons assigned in the impugned order does not suffer from any arbitrariness or reasonableness. The explanation offered at the instance before the Tribunal by the delinquent officer is that she simply signed the report of the Village Administrative Officer. The charge against the petitioner is that she has not verified the list thereby affixed the signature with regard to bogus list prepared by the Village Administrative Officer for grant of National Calamity relief. Legal notice were also been issued by one Sivaprakasam, Advocate, assumes significance.

13. Though the petitioner was not guilty of charges alleged by the Tribunal, the Revenue Department, has clearly held that they have deviated from the findings of the Tribunal for disciplinary proceedings and also

followed the proper procedure by obtaining explanation. Therefore, the conclusion arrived at by the Government, i.e. Revenue Department is sustainable in law.

14(a) Though the Revenue Department, the first respondent herein has issued notice for deviating the findings of the Tribunal for disciplinary proceedings, the said order was passed after a period of six years. Explanation offered by the petitioner was taken into consideration and accordingly, in the interest of justice, the punishment imposed on the petitioner is modified to the effect that there shall be stoppage of increment for a period of two years without cumulative effect.

14(b) From the counter filed by the first respondent, I find that the penalty amount of Rs.20,370/- was recovered from the petitioner and hence the imposing of penalty on the petitioner is kept intact. Hence, with regard to recovery of25% of the loss caused to the Government, i.e. Rs.20,370/-, there is no modification.

14(c) In other words, the original punishment of stoppage of increment for a period of two years with cumulative effect and to recover 25% of the loss caused to the Government, i.e. Rs.20,370/- is modified into stoppage of increment for a period of two years without cumulative effect and to recover 25% of the loss caused to the Government, i.e. Rs.20,370/-.

15. In the result, W.P.No.12276 of 2013 is partly allowed, to the extent indicated above, i.e. modifying the punishment of stoppage of increment for a period of two years without cumulative effect. No costs.

16. In view of the order passed in W.P.No.12276 of 2013, the first respondent herein is directed to pass notional promotion to the petitioner, after expiry of the punishment period of two years, as stated above, with monetary benefits thereto. Accordingly, W.P.No.12277 of 2013 is partly allowed. No costs.

02.06.2025

Rgr
Index : Yes/No
Speaking/Non-speaking order

RMT.TEEKAA RAMAN, J.

rgr

To

1.The Principal Secretary to Government,
Revenue Department, Fort St.George,
Chennai – 9.

2.The Commissioner,
The Tribunal for Disciplinary Proceedings,
Thanjavur.

Common Order in
W.P.Nos.12276 & 12277 of 2013

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