



W.P.No.13432 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Reserved on: 19.09.2025

Delivered on: 25.09.2025

CORAM

THE HONOURABLE Dr.JUSTICE G.JAYACHANDRAN

W.P.No.13432 of 2015

G.Chandrasekaran,
S/o.Gurunathan,
Formerly Superintendent
O/o.Asst. Elementary Educational Officer,
Valpari,
Coimbatore District.

... Petitioner

/versus/

1. The Joint Director of School Education,
(Personnel), College Road,
Chennai – 6.

2. The Director of School Education,
College Road, Chennai – 6.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records of the respondents in connection with the impugned orders by the 1st respondent in Na.Ka.No.57274/A3/E2/2013, dated 19.01.2015 and confirmed by the 2nd respondent in Na.Ka.No.15122/C4/E1/2015, dated 09.04.2015 and quash the same.



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For Petitioner : Mr.M.Vignesh,
for Mr.M.Muthappan

For Respondents : Mr.S.Prabhakaran,
Government Advocate, for R1 & R2

ORDER

The petitioner joined service as Junior Assistant in the Education Department on 05.08.1985. He was found guilty of misconduct in the disciplinary proceedings and he was imposed punishment of reduction of time scale of pay for one month, with effect from 01.01.2015 to 31.01.2015. Being aggrieved, the writ petition is filed to quash the order of punishment.

2. The case of the petitioner is that, while he was serving as Superintendent in the Office of Assistant Elementary Educational Officer (AEEO), Valparai between 02.07.2012 to 31.01.2015, it was found that the monthly salary bill for teachers for the month of August 2012 presented to Sub-Treasury with forged signature of the AEEO, in the Effacement Bill. Holding, the petitioner has violated the Rule 20(1) of Tamil Nadu Government Servants Conduct Rules. Charges were framed under Rule 17(b) of TNCS (D&A) Rules and explanation from the petitioner was called. The Enquiry Officer, after enquiry found that on the date of presenting the alleged forged effacement bill,

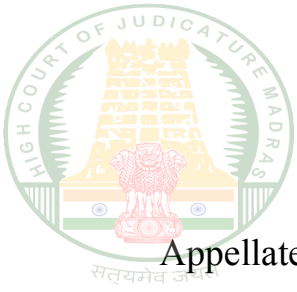


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the petitioner was not physically present in the Treasury Office. Further, there is no evidence to prove the alleged forgery was by the petitioner. The Enquiry Officer concluded that the charge of forgery not proved. However, the Disciplinary Authority, relying on the explanation given by the petitioner, in which he has admitted forging the signature of AEEO. Taking into consideration the exigency of the absence of AEEO and the probable delay in passing the salary bill of the staff, disagreed with the view of the Enquiry Officer and imposed punishment of reduction in time scale of pay for one month *vide* proceedings dated 19.01.2015.

3. Being aggrieved, the petitioner had preferred statutory appeal to the 2nd respondent. On appeal, the 2nd respondent confirmed the punishment imposed by the Disciplinary Authority and rejected the appeal *vide* proceedings dated 09.04.2015 relying on the alleged admission.

4. The writ petition is filed on the ground that, after due enquiry, the Enquiry Officer had found the charge not proved, based on the fact that the alleged forgery in the effacement bill not proved to have been committed by the writ petitioner. While the fact being so, the Disciplinary Authority as well as the



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Appellate Authority disagreed with the findings and reasoning of the Enquiry Officer and had imposed major punishment of reduction in time scale of pay. It is contended that this arbitrary exercise of power by the Disciplinary Authority and the Appellate Authority has caused grave prejudice and financial loss to the writ petitioner.

5. The Learned Counsel appearing for the petitioner primarily submitted that if the Disciplinary Authority want to disagree with the findings of the Enquiry Officer, he should have caused show-cause notice and sought for explanation. In this case, without affording an opportunity, the Disciplinary Authority, relying upon the explanation given under duress, had imposed grave punishment, have perpetual effect in the pensionary benefits of the petitioner.

6. The Learned Counsel for the petitioner relying upon the Rule 20(1) of Tamil Nadu Civil Services (Disciplinary and Appeal) Rules, contended that the Appellate Authority failed to follow the procedure envisaged. The procedural violation violating natural justice principle need to be interfered.



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7. Rule 20(1) of TNCS (D&A) Rules reads as below:-

20.(1) A member of a State Service or a member of a Subordinate Service including a person who has ceased to be a member of such service in whose case the Government have passed original orders, shall be entitled to submit, within a period of two months from the date on which the order was communicated to him, a petition to the Government for review of the orders passed by them on any of the grounds specified below:-

(a) that the order was not passed by the competent authority;

(b) that a reasonable opportunity of defending himself was not given;

(c) that the punishment is excessive or unjust;

(d) discovery of new matter or evidence which the appellant alleges and proves to the satisfaction of the Government was not within his knowledge or could not be adduced by him before the order imposing the penalty was passed;

(e) evident error or omission such as failure to apply the Law of Limitation or an error of procedure apparent on the face of record;

Provided that the Government may, in its discretion, condone any delay in submitting the petition for review within the said period of two months.

(2) The petition for review which does not



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satisfy any of the above grounds shall be summarily rejected.

(3) Where an authority other than the State Government, by virtue of sub-rule (2) of rule 12, has passed orders imposing a penalty on a member of the State Service, such member shall be entitled to appeal to the Head of Department, if the orders were passed by an authority subordinate to the Head of Department or to the Government, if the orders were passed by the Head of Department.

8. The Learned Counsel further submitted that the non-speaking order passed by the 1st respondent and subsequently confirmed by the 2nd respondent, is contrary to the principles of natural justice and hence, to be quashed.

9. The 1st respondent has filed detailed counter, wherein it is stated that forgery in the effacement bill found to be proved and the admission of the writ petitioner in his explanation warrants no further evidence. Though there was no monetary loss to the Department, the very fact that the signature of the higher officer been forged on the salary bill, sufficient to initiate disciplinary proceedings. Since the Enquiry Officer had not considered the admission of the writ petitioner regarding the act of forgery, the Disciplinary Authority had

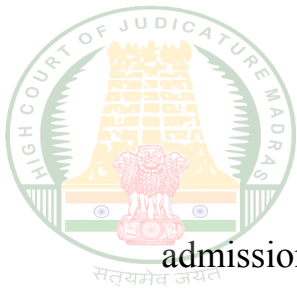


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disagreed with the findings of the Enquiry Officer and had proceeded with imposing punishment of reduction in time scale of pay for one month. The explanation given by the delinquent on 15.02.2014 to the Disciplinary Authority been taking into consideration before passing the impugned order of punishment.

10. Heard the Learned Counsel for the petitioner and the Learned Government Advocate for the respondents 1 & 2.

11. The writ petitioner been subjected to disciplinary proceedings under Rule 17(b) of Tamil Nadu Civil Service & Appeal Rules, contemplating major punishment. The Enquiry Officer, on going through the material found that though the charge of forgery been alleged against the writ petitioner, admittedly the forgery had not let to any monetary loss to the Department. Further, the alleged forgery of effacement bill been made in good faith to expedite the disbursement of the salary bill in the absence of AEEO. The Enquiry Officer has found that there is no evidence to show that the forgery was committed by the petitioner herein, who was the Superintendent in the office of AEEO at the relevant point of time. While so, it appears that merely based on

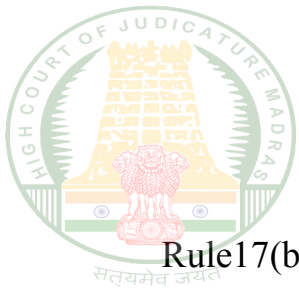


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admission in the explanation of the delinquent, punishment been imposed. The said explanation submitted to the Disciplinary Authority dated 15.12.2014 say that he was forced to admit guilty of forgery by deceit. This retracted admission had relied by the Disciplinary Authority for imposing the major punishment of reduction in time scale of pay.

12. While, disagreeing with the findings of the Enquiry Officer, the Disciplinary Authority is expected to give fair and meaningful opportunity to the delinquent to putforth his defence. Whereas, in this case apparently no such opportunity given to the writ petitioner. When a grave allegation of forgery is made against the delinquent, there must be proof that forgery was committed by the delinquent. In this case, except relying upon the retracted admission of the delinquent, there is no material to show that the delinquent forged the signature of AEEO, Valparai in the Effacement Bills.

13. In the said circumstances, I find the safeguards for a delinquent contemplated under Rules 20(1) of the TNCS (D&A) Rules been floated in this case, hence warrants interference. Both the Disciplinary Authority as well as Appellate Authority failed to follow the procedures contemplated under



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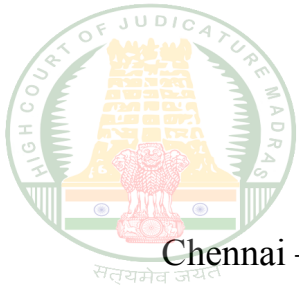
Rule 17(b) and 20(1) of the TNCS (D&A) Rules. The Appellate Authority had verbatim extracted the order of the Disciplinary Authority and confirmed the same without any application of mind.

14. Accordingly, the *Writ Petition is allowed*. The order of the 1st respondent imposing punishment of reduction of time scale of pay *vide* proceedings dated 19.01.2015 and the consequential order passed by the Appellate Authority on 09.04.2015 confirming the order by the Disciplinary Authority, are hereby quashed. The respondents are directed to recalculate the pensionary and retirement benefits of the petitioner herein and pay the arrears, if any, within a period of four months and also re-fix the pension as per the petitioner's entitlement. There shall be no order as to costs.

25.09.2025

Index : Yes/No.
Internet : Yes/No.
Neutral Citation : Yes/No.
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To,
1. The Joint Director of School Education,
(Personnel), College Road,



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Chennai – 6.

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2. The Director of School Education,
College Road, Chennai – 6.

3. The Government Pleader, High Court, Madras.



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Dr.G.JAYACHANDRAN, J.

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Delivery order made in
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