



WP Nos. 17994 of 2016 & 26017 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Reserved on 02.04.2025	Pronounced on 09.04.2025
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THE HONOURABLE MR JUSTICE RMT. TEEKAA RAMAN

WP No. 17994 of 2016 and WP No. 26017 of 2016

WP No. 17994 of 2016

T.Punniakoti,
Attender (Retd.),
Co-Op.tex (Head Office),
No.90, Siruvallurpuram Street,
Perambur, Chennai-600 012.

Petitioner(s)

Vs

1. The Director of Handlooms and
Textiles, Kuralagam,
Chennai-600 108.

2.The Managing Director,
T.N.Handloom Weavers' Co-Op. Society Ltd.,
350, Pantheon Road, Egmore, Chennai-8.

3.The General Manager (Admn.)
T.N.Handloom Weavers' Co-Op. Society Ltd.,
350, Pantheon Road, Egmore, Chennai-8.

Respondent(s)



WP Nos. 17994 of 2016 & 26017 of 2016

WEB **WP No. 26017 of 2016**

D.Kathiresan

Driver, Co-Op. Tex (Head Office),

Pantheon Road, Egmore,

Chennai-600 008

Petitioner(s)

Vs

1. The Director of Handlooms and
Textiles, Kuralagam,
Chennai-600 108

2.The Managing Director
T.N. Handloom Weavers' Co-Op. Society Ltd,
350, Pantheon Road, Egmore, Chennai-8

3.The General Manager (Admn.)
T.N. Handloom Weavers' Co-op. Society Ltd,
350, Pantheon Road, Egmore, Chennai-8

Respondent(s)

WP No. 17994 of 2016

PRAYER

Writ Petition filed under Article 226 of Constitution of India for issuance of Writ of Certiorarified Mandamus to call for the records relating to the 1st respondent's proceedings in Na.Ka.793/2015/ H3 dated 21.12.2015 as quash the same and direct the respondent to give the proportionate service and monitory benefits to the petitioner.



WP Nos. 17994 of 2016 & 26017 of 2016

WP No. 26017 of 2016

WEB PRAYER

Writ Petition filed under Article 226 of Constitution of India for issuance of Writ of Certiorarified Mandamus to call for the records relating to the 1st respondent's proceedings in Na.Ka.782/2015/ H3 dated 22.12.2015 as quash the same and direct the respondents to give the proportionate service and monitory benefits to the petitioner.

For Petitioner(s): M/s.M.Muthappan
M.Alagu Gowtham and
P.Boopal
(in both petitions)

For Respondent(s): Mrs.S.Anitha, (For R1)
Special Government Pleader
Mr.M.Thirumoorthy (For R2 And R3)
For Mr.L.P.Shanmuga Sundaram
(in both petitions)

COMMON ORDER

Since both Writ Petitions arise from the same set of facts, they are considered together and disposed of by a common order.

2.The petitioner/Puniakoti(W.P.17994 of 2016), has filed this writ petition challenging the punishment order passed by the first respondent on 08.09.2014.



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2.1.The petitioner was employed as an Office Assistant at the Co-Optex Head Office in Chennai. In 2006, a criminal case was initiated under Crime No. 826 of 2006, alleging that the petitioner, along with a colleague, had stolen an old iron gate from the respondent's office. The criminal case was concluded with an acquittal of the petitioner.

2.2.Simultaneously with the criminal case, the respondent initiated disciplinary proceedings against the petitioner. An Advocate was initially appointed as an Enquiry Officer, and based on his report, the charges were found to be proved. However, due to certain irregularities, a second Enquiry Officer, the Finance Manager of the department, was appointed. In the second report the charges were found to be not proven. Nevertheless, the management imposed a punishment of stoppage of increment for a period of one year, with cumulative effect, relying on the report of the first Enquiry Officer. The petitioner appealed against this decision, but the appeal was rejected.

2.3.On 29.11.2012, the petitioner was again suspended, and a charge memo was issued on 04.04.2013. The charge alleged that the petitioner was involved in the theft of a Hundial from the Selvavinayakar Temple, which was located within the Co-Optex campus. While an FIR was registered, the temple



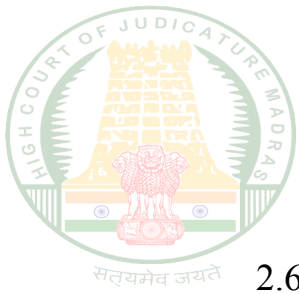
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committee later withdrew their complaint. Nevertheless, the department proceeded with the charge memo, which also referred to the earlier punishment in 2006.

2.4. Based on the second Enquiry Officer's report, the disciplinary authority imposed a punishment of stoppage of increment for a period of two years, without cumulative effect, through the proceedings dated 08.09.2014. The petitioner filed a statutory appeal against this decision, but the appeal was rejected by the second respondent. Subsequently, the petitioner filed a revision to the first respondent. Since no order was passed on the revision, the petitioner filed two writ petitions, W.P.No.22158 and W.P.No.22159 of 2015, challenging the punishment orders dated 14.09.2012 and 08.09.2014, respectively.

2.5. This Court admitted W.P.No.22158 of 2015 and disposed of the same W.P.No.22159 of 2015, directing the first respondent to dispose of the revision. In the meantime, the co-delinquent in both disciplinary cases filed W.P.No.29789/2015 and W.P.No.29790/2015, challenging the punishment orders dated 08.09.2014 and 16.02.2010. This Court disposed of these cases by directing the first respondent, as the Revisional Authority, to dispose of both disciplinary proceedings.



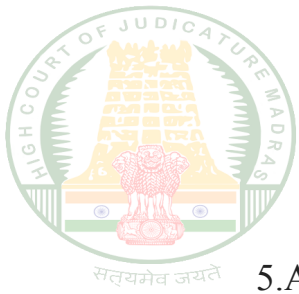
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2.6.The first respondent considered all the cases together and passed an order on 21.12.2015, modifying the first punishment order dated 16.02.2010, imposing stoppage of increment for one year with cumulative effect to one year without cumulative effect. However, the second punishment order dated 08.09.2014 was upheld. Aggrieved by this decision, the petitioner has filed the present writ petition to quash the order passed by the first respondent.

3.The petitioner, D.Kathiresan (W.P. 26017 of 2016), has filed this writ petition to quash the punishment order imposed on 22.12.2015. In the order, the first punishment was modified from stoppage of increment for a period of one year with cumulative effect to stoppage of increment for a period of one year without cumulative effect. However, the second punishment order, which imposed a stoppage of increment for a period of two years without cumulative effect, was upheld. Both petitioners have been charged with misconduct related to two separate incidents: the first set of charges concerning the theft of an iron gate at the main office of Co-optex, and the second set involving the theft of a hundial from the Selvavinayagar Temple situated within the Co-optex campus.

4.Heard the learned counsel for the petitioners and the learned Special Government Pleader for the respondents and perused the available records, including the counter affidavit filed by the respondent.



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5.As per the Government Pleader's submission, the summary of the

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proceedings are as under:

S.No.	Name of the employee and designation	Gist of charges	Punishment awarded by Managing Director of Co-optex	Punishment revised by the Director of Hand looms
1	T.Punniakoti, Attender	1.Theft of iron gates in the head office premises during the year 2006	Stoppage of increment for 1 years with cumulative effect.	Stoppage of increment for 1 years without cumulative effect.
		2.Theft of hundial placed before the Selva Vinayagar Temple in the head office premises during the year 2012	Stoppage of increment for 2 years without cumulative effect.	Punishment upheld.
2.	D.Kathiresan, Driver	1.Theft of iron gates in the head office premises during the year 2006.	Stoppage of increment for 1 year with cumulative effect.	Stoppage of increment for 1 year without cumulative effect.
		2.Theft of hundial placed before the Selva Vinayagar temple in the head office premises during the year 2012.	Stoppage of increment for 2 years without cumulative effect	Punishment upheld.



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6. After reviewing the first set of charges against both petitioners regarding the alleged misconduct of stealing an iron gate from the head office premises in 2006, admittedly, the criminal case against the petitioners ended in acquittal. The acquittal was granted due to the lack of proven recovery in a manner known to law, with the benefit of the doubt given to the petitioners. Despite the criminal case's conclusion, disciplinary proceedings continued, resulting in punishment of stoppage of increment for one year with cumulative effect. Since no order was passed in the revision as against the imposition of punishment, one of the petitioner viz., D.Kathiresan, filed W.P. No. 29790 of 2015. By order dated 22.09.2015, this Court directed the respondent to pass orders on the appeal and revision, disregarding the point of limitation. In compliance, the impugned order was issued. At the same time, the second set of charges, relating to the theft of a hundial from the Selvavinayagar Temple in the main Co-optex office at Panthian Road, was also taken up, and orders were passed. As a result, both petitioners have filed their respective writ petitions.

7. With regard to the first set of charges, concerning the theft of iron gates at the head office, on perusing the enquiry report, I find that the first enquiry officer submitted a report stating that the charges were proved. However, due to some irregularities, a second enquiry officer, the Finance Manager of the



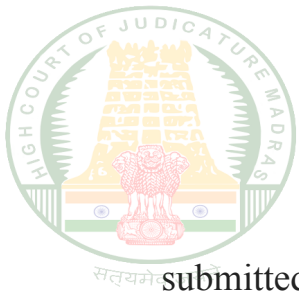
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department, was appointed, and he submitted a report stating that the charges were not proved. It appears that the disciplinary authority took a different view from the second enquiry officer and chose to rely on the findings of the first enquiry officer. The disciplinary authority has the competency to do so. However, proper procedure has to be followed. The delinquents should have been given notice regarding why the disciplinary authority intended to take a different view from the second enquiry officer and why the report of the first enquiry officer should be accepted. Unless the delinquent officer has been given an opportunity to do so, this amounts to violation of principles of natural justice.

8. In the instant case, the disciplinary authority has awarded punishment of stoppage of increment of one year with cumulative effect. On revision, the first respondent has modified it as stoppage of increment for one year without cumulative effect. However, for non compliance of the procedure the same has to be set aside. Accordingly, the first set of punishment imposed in respect of theft of iron gate is set aside only for non observance of principles of natural justice.

9. In respect of second set of charges against the petitioners, which is with regard to theft of hundial placed before the Selva Vinayagar Temple in the head office premises, during the year 2012, after enquiry, the enquiry officer has



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submitted a report stating that charges are proved and the disciplinary authority viz., second respondent imposed stoppage of increment for one year without cumulative effect. On revision, the first respondent has upheld the punishment imposed on the petitioners. After perusing the enquiry report I find that in the interest of justice, stoppage of increment for two years without cumulative effect has to be modified into stoppage of increment for one year without cumulative effect.

10.The punishment of stoppage of increment for one year without cumulative effect, in respect of first set of charges stands set aside and with regard to second set of charges against both the petitioners, while the finding of the charges have been confirmed, the punishment is alone modified from stoppage of increment for two years without cumulative effect into stoppage of increment for one year without cumulative effect. Necessary revisionary proposal has to be re-submitted and disposed of by the respondents.

11.In fine, these Writ Petitions are partly allowed to the limited extent indicated above. No costs.

09.04.2025

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To

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Textiles, Kuralagam,
Chennai-600 108.

2. The Managing Director,
T.N.Handloom Weavers' Co-Op. Society Ltd.,
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RMT.TEEKAA RAMAN J.

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**Pre-delivery order made in
WP No. 17994 of 2016 and
WP No. 26017 of 2016**

Dated: 09.04.2025