



W.P.No.27599 of 2015

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

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THE HON'BLE MR. JUSTICE RMT.TEEKAA RAMAN

W.P.No.27599 of 2015

Judgment reserved on 03.02.2025	Judgment pronounced on 07.02.2025
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Mr.N.Kadher Khan
S/o.Mr.Noor Ahamedkhan,
Old No.8, New No.19, Gulam Abbas Ali Khan
10th Street, Thousand Lights,
Chennai-600 006.

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Petitioner

Vs

1.The Managing Director
The Tamil Nadu Industrial Investment,
Corporation Limited, No.692, Anna Salai,
Nandanam, Chennai-600 035.

2.The Branch Manager
The Tamil Nadu Industrial Investment
Corporation Limited (Tambaram Branch)
Plot No.28, 1st Floor, Ayyasamy Street,
Tambaram West, Chennai – 600 045.

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Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India praying for a writ of certiorarified mandamus calling for the records relating to the impugned order of the 2nd respondent in TIIC/TBMBO/ADMIN/2014-15 dated 11.08.2014 and the impugned



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appellate order of the 1st respondent in Se.Mu.Order No.Tha.Tho.Mu.Ka/O.Na.P/6489/13 dated 10.07.2015 and quash the same and consequently direct the respondents to grant the increment with cumulative effect from the year 2014.

For Petitioner : Mr.G.Thangavel

For Respondents : Mr.K.Magesh

ORDER

The above writ petition has been filed praying for a writ of certiorarified mandamus calling for the records relating to the impugned order of the 2nd respondent in TIIC/TBMBO/ADMIN/2014-15 dated 11.08.2014 and the impugned appellate order of the 1st respondent in Se.Mu.Order No.Tha.Tho.Mu.Ka/O.Na.P/6489/13 dated 10.07.2015 and quash the same and consequently direct the respondents to grant the increment with cumulative effect from the year 2014.

2. The necessary service matrix of this case is as under -

2(a) The petitioner was appointed as Peon cum Watchman on 24.01.1987. This post was subsequently changed as sub-staff and re-designated as Office Assistant Grade III in the year 2010 and going to be retired from service on 31st March, 2017, the petitioner was suspended



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under Rule 6.18 of the Service Rule of the Corporation on 23.09.2013 on contemplation of grave charges. Subsequently charge memo was issued on 25.10.2013 with the following charges:

Charge 1: Misused office cheque No. 188559 of Tambaram Branch Office and deposited the said cheque for credit of Rs. 10,500/- to his Savings Bank A/c. No.400326370.

Charge 2: Out of the above misappropriation of Corporation's funds of Rs.10,500/- credited to his Savings Bank A/c. No.400326370, he has withdrawn a sum of Rs.5,000/- on 16.08.2013 and Rs.5,000/- on 23.08.2013 by way of cash through ATM.

Charge 3: He has violated Rules 6.1(a), (b) & (c) of the Service Rules of the Corporation by his above act, which an employee is not expected to do.

2(b) It appears that the petitioner has submitted his explanation and after examination of the explanation, the respondent Corporation found it as not acceptable and accordingly, enquiry officer was appointed on 29.11.2013. The enquiry officer submitted his report dated 04.04.2014 holding that all the charges framed against the petitioner are proved and



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hence punishment of stoppage of increment for one year with cumulative effect vide order dated 11.08.2014 was passed. Aggrieved against the said order, an appeal was made to the second respondent and the same was also dismissed. Hence the present writ petition.

3. The learned counsel for the petitioner submitted that the charges framed against the petitioner are not proved, reasonable opportunity of cross examination was not given; that the petitioner was put to unblemished service and hence prayed for setting aside the order of the first respondent.

4. Counter has been filed by the respondents and heard the learned counsel for the respondents.

5. The charges as stated supra are that cheque for a sum of Rs.10,500/- issued by the branch office was deposited to the credit of the petitioner's account and on the same day, he has withdrawn Rs.5,000/- which is violation of Rule 6.1(a), 6.1(b) and 6.1(c). After going through the enquiry officer report dated 04.04.2014, the charges are proved, as could be seen from the findings rendered therein.



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6(a) Admittedly, the cheque was not intended to be given to the petitioner. He has deposited the Tambaram Branch office cheque in his account and has also withdrawn Rs.5000/- on the very same day and hence the enquiry officer has rightly come to the conclusion that the charges are proved. Based on the request of the petitioner dated 15.04.2014 to start the enquiry afresh, since he has, during enquiry, due to carelessness and urgency, informed the Enquiry Officer that he was not prepared to cross-examine the Management witness. In order dated 08.05.2014, he has informed that though he made a request for cross-examination of the Management witness belatedly, as an exceptional case, the Corporation decided to give him a chance to do so and hence, ordered that the Enquiry Officer should commence the enquiry at the stage where the employee charged proposed to cross-examine the Management witness and that the Enquiry Officer should continue the above enquiry and pass necessary orders on the enquiry conducted by him.

6(b) The contention of the petitioner that he was not given



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sufficient opportunity to defend his case could not be accepted. The second contention of the learned counsel for the petitioner that no opportunity for cross examination was given could not be countenanced. During the entire period of his service, the petitioner was awarded with the following types of punishments for the charges framed against him and held proved, as noted against each mentioned below:

<i>Srl.No.</i>	<i>Details of charges</i>	<i>Punishment awarded</i>	<i>Date of Order</i>
1	Reimbursement medical of bills by submitting false and forged bills	Stoppage of increment for a period of five years with cumulative effect.	07.10.2004
2	Tampering of office records (signed in the attendance register on previous day itself, as if worked on the next day).	Stoppage of increment for one year without cumulative effect.	29.07.2010

6(c) The petitioner has already suffered two stoppage of increment for reimbursement of medical bills by submitting false and forged bills and tampering of official records, as could be seen from the counter which was not disputed by the petitioner. Hence, I find that both the disciplinary authority as well as the enquiry officer has given sufficient opportunity and considered the matter in right perspective and the disciplinary authority has



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himself imposed very lesser punishment and the same does not require any modification or enhancement. So also the Appellate Authority finds that the penalty imposed on the petitioner is adequate and dismissed the appeal.

7. In the above said circumstances, I do not find infirmity in the order impugned in this writ petition. Accordingly, this Writ Petition is dismissed. No costs.

07.02.2025

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Index : Yes/No

Speaking/Non-speaking order

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RMT.TEEKAA RAMAN, J.

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Pre-delivery Order in
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