



W.P. No. 8488 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2025

CORAM

THE HON'BLE Ms. JUSTICE R.N.MANJULA

W.P. No. 8488 of 2019

S.Karuppaiah

... Petitioner

-VS-

1. Secretary to the Government of India,
Department of Fertilizers,
Ministry of Chemicals & Fertilizers,
Shastri Bhavan, New Delhi 110 001.

2. General Manager (Personnel & Administration),
Madras Fertilizers Limited,
Manali, Chennai 600 068.

3. Chairman and Managing Director,
Madras Fertilizers Limited,
Manali, Chennai 600 068.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for records relating to Order dated 21.11.2017, issued by the 3rd Respondent, and Quash the same; and further direct the 3rd Respondent to restore all consequential benefits.

For Petitioner : Mr.Sukumar Nainan Ommen

For Respondents: Mr.Dhruva C.K.V.,
Central Government Standing Counsel (for R1)

Mrs. Rita Chandrasekaran
for M/s. Aiyar & Dolia (for R2 & R3)



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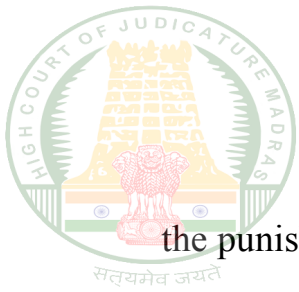
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ORDER

This writ petition has been filed to call for records relating to order dated 21.11.2017 issued by the third respondent, and quash the same; and further direct the third respondent to restore all consequential benefits.

2. Heard Mr.Sukumar Nainan Ommen, learned counsel for the petitioner and Mr.Dhruva C.K.V., learned Central Government Standing Counsel for the first respondent and Mrs. Rita Chandrasekaran for M/s. Aiyar & Dolia, learned counsel for the second and third respondents, and perused the materials placed on record, apart from the pleadings of the parties.

3. When the petitioner was serving as Additional Manager (E4 level) in the second respondent/Madras Fertilizers Limited (MFL), he was placed under suspension on 03.02.2017, in view of the complaint lodged by one Padmanabhan. The disciplinary authority had served show cause notice to the petitioner on 10.02.2017. The petitioner had given his explanation on 16.02.2017. The enquiry has been conducted and a report has been submitted on 23.08.2017 finding that the charge against the petitioner has been partly proved. Thereafter on 24.08.2017, the petitioner was reinstated, however, with



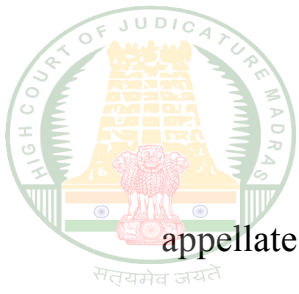
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the punishment of withholding an increment of pay with cumulative effect for a

period of two years and the appellate authority has modified the punishment as withholding an increment of pay without cumulative effect for a period of two years from 24.08.2017. Aggrieved over that, the petitioner has filed this writ petition challenging the orders of the appellate authority dated 21.11.2017.

4. On perusal of the record, it is seen that the petitioner has been issued with the charges alleging that the petitioner had kicked the Padmanabhan down and slapped him. As the petitioner has man handled the staff during the office hours within the office premises, it was considered as a misconduct. It is alleged that the conduct exhibited in return by the petitioner violated the standards of common decency and morality prevailing in the community, caused disturbance in society and within the management of MFL, and is unbecoming of an employee holding the status of a public servant.

5. The learned counsel for the petitioner submitted that there is nothing to show that the petitioner had manhandled the complainant Padmanabhan and he has made that point as a ground in his appeal, but the same was not considered by the appellate authority. The petitioner's complainant against the Padmanabhan was not considered and that was also not dealt with in the



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appellate authority's order. He further submitted that Clause 4.8.0 of the Service

Policy of MFL contemplates the conduct of disciplinary proceedings against both the charged employees in a joint proceeding, but that procedure has not been followed.

6. The learned counsel for the respondents submitted that the appellate authority has rightly appreciated the grounds of appeal and had recorded that the act of manhandling was not established through eye-witnesses, and the other conducts as alleged against the petitioner have been proved. So far as the alleged complaint given by the petitioner is concerned, it is a complaint made to SC/ST Commissioner and not before the second and third respondents.

7. The other person by name, Padmanabhan is seen to have given a complaint stating that when he went to meet the officer by name Ravi Kumar and the petitioner who was standing there had shouted at him by calling him singularly. He also man handled him and it was witnessed by the officer Ravi Kumar and one canteen boy. In the said complaint, the petitioner was given with a show cause notice. As the explanation given by the petitioner was not satisfactory, the disciplinary action has been initiated after following proper procedure. The witnesses were examined in the presence of the petitioner and



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he was allowed to participate in the enquiry by cross-examining the witnesses.

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As rightly pointed out by the petitioner that the witnesses did not support the allegations that the petitioner has manhandled Padmanabhan. But make it clear that the petitioner had entered into heated argument with Padmanabhan and there was the pull and push between the petitioner and Padmanabhan inside the premises, during office hours. The petitioner appears to have no business to interfere between the Padmanabhan and the Time Officer in respect of the enquiries made by Padmanabhan to the Time Officer. On the basis of the available evidence, the petitioner was found partially guilty. The complaint given by the Padmanabhan is the first complaint and the petitioner is said to have given a subsequent complaint however, to the SC/ST Commissioner. Eventhough the petitioner has stated that the complaint given by the petitioner should have also been taken up for enquiry, the fact remains that all the witnesses were examined when the very same witnesses were present during the occurrence. Even though the petitioner might have given the complaint that was in respect of the same occurrence and not for a different occurrence. When Padmanabhan had made allegations against the petitioner, the petitioner would have made allegations against Padmanabhan in his complaint and hence, there is no question of conducting two enquiries or one enquiry for two complaints.



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8. Whatever enquiry is conducted on the basis of the complaint given by

Padmanabhan, is for the very same occurrence and by examining the very same witnesses, who were present at the time of occurrence and hence, I do not find any violation of principles of natural justice or prejudice caused to the petitioner. The disciplinary authority and the appellate authority had properly appreciated the evidence and only because of that they have recorded the finding that the allegations of manhandling against the petitioner was not proved. However, a loud argument followed by push and pull had occurred when Padmanabhan came to the Time Office. There is no necessity for the petitioner to enter into heated argument with Padmanabhan because the petitioner is in no way concerned with the Padmanabhan's presence in the time office. If the petitioner had minded his own job during the working hours of the company, the occurrence could have been avoided. The enquiry authority has submitted a report by appreciating the materials placed before him and the disciplinary authority has also properly appreciated the same on merits and passed the order on merits.

9. Even though the petitioner has raised the exhaustive appeal comprising several pages, the sum and substance of the appeal is very short. He has raised the very short point that the allegation against him was not proved by the



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eye-witnesses, but the disciplinary authority had omitted to consider the same.

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10. Given the nature of charges, the punishment does not appear to be disproportionate or shocking. As the petitioner is a public servant, he ought to have conducted himself in a decent manner and as per the disciplinary rules of the company. When the petitioner has taken a risk of quarrelling with Padmanabhan and developed a heated argument and that has resulted in push and pull, the petitioner invited trouble to himself. Just because the petitioner had given a complaint before the SC/ST Commission, it cannot be the reason to stop the disciplinary proceedings or disbelieve the report of the enquiry officer, unless any malpractices proved to be present in the mind of the enquiry officer during the enquiry. Hence, I do not deem it fit to invoke jurisdiction under



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Article 226 of the Constitution to interfere with the orders of the disciplinary

WEB authority and the appellate authority. Such scope is very minimal and it can

happen only when there is no evidence or there is violation of principles of natural justice and that the punishment has been disproportionate to the charges or it does not commensurate with the charges proved against the petitioner. As none of these grounds appears to be present or established, I find no reason for interference.

11. In the result, this writ petition is **dismissed**. No costs.

21.04.2025

Internet: Yes/No

Speaking /Non-speaking order

Neutral Case Citation : Yes: No

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To

1. The Secretary to the Government of India,
Department of Fertilizers,
Ministry of Chemicals & Fertilizers,
Shastri Bhavan, New Delhi 110 001.
2. The General Manager (Personnel & Administration),
Madras Fertilizers Limited,
Manali, Chennai 600 068.
3. The Chairman and Managing Director,
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R.N.MANJULA, J.

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