



WEB COPY

W.A.No. 1087 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.A.No. 1087 of 2025
and
C.M.P.No. 8641 of 2025

1.The Principal Secretary to Government,
Public Works Department,
Fort St.George, Secretariat,
Chennai - 600 009.

2.The Engineer-in-Chief (WRD) &
Chief Engineer, PWD (General),
Chepauk, Chennai - 5.

3.The Chief Engineer,
Water Resources Department,
Madurai Region, Madurai.

... Appellants

Vs.

A.R.K.Prabu

... Respondent

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, against the order dated 13.03.2024 made in W.P.No.10777 of 2020.

For Appellants : Mr.P.Anandakumar, Government Advocate

For Respondent : Mr.V.Vijay Shankar



JUDGMENT

(Judgment of the Court was made by R.SUBRAMANIAN, J.)

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We do not see any merit in the appeal. The respondent was charged with dereliction of duty in not ensuring quality of construction and made payments to the contractor who had used substandard material thereby, causing a loss of Rs.90,71,000/- to the Exchequer.

2. Along with the petitioner, three other persons were also charged with the same dereliction. The Disciplinary Authority while imposing the punishment of dismissal from service on the petitioner, dealt with others with very soft gloves and imposed punishment of cut in increment for two years with cumulative effect. The petitioner challenged the dismissal mainly on the ground that he has been treated differently without any reason.

3. Though it was contended before the learned single Judge that the respondent alone was responsible for the entire project and it was his duty to ensure quality, the learned single Judge found that the others were also similarly placed and they are just below the petitioner in the ranking and



they were also responsible for ensuring quality of the work. The learned single Judge also took note of the fact that the order impugned in the writ petition did not make any such distinction while imposing the capital punishment of dismissal from service on the petitioner. After having held so, the learned single Judge has only remitted the matter to the Authority to re-consider the punishment.

4. The writ Court has also referred to the judgment of the Hon'ble Supreme Court in *Anand Regional Coop. Oil Seedsgrowers' Union Ltd., Vs. Shaileshkumar Harshadbhai Shah* reported in *2006 (6) SCC 548* wherein, the Hon'ble Supreme Court has held when the misconduct is the same and the persons charged are of the same level or of equal status, the punishment should also be the same. Imposition of a punishment of very high magnitude namely, dismissal from service on one of them alone cannot be justified.

5. In view of the same, we see no reason to interfere with the order of the writ Court. This Writ Appeal therefore, fails and it is accordingly, **dismissed**. We direct the Revisional authority to carry out the exercise of re-



W.A.No. 1087 of 2

consideration and impose same penalty or any other minor penalty,

considering the fact that the respondent was an Executive engineer. The

Revisional Authority shall dispose of the revision within a period of three months from today. No cost. Consequently, connected miscellaneous petition is closed.

(R.S.M., J.) (G.A.M., J.)
08.04.2025

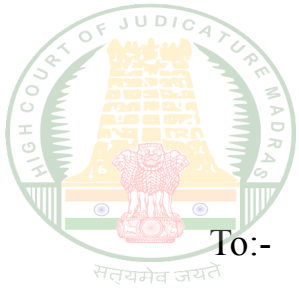
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Index: No

Speaking order

Neutral Citation : No

Note: Issue order copy on 16.04.2025



To:-

W.A.No. 1087 of 2



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