



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.08.2025

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THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.3922 of 2015

J.Nelson Arokiadoss

... Petitioner

Vs.

1.The Commissioner,
Chennai City Municipal Corporation,
Ripon Buildings,
Chennai – 600 003.

2.S.Srinivasagam,
Financial Advisor/Enquiry Officer,
Chennai City Municipal Corporation,
Ripon Buildings,
Chennai – 600 003.

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of certiorarified mandamus calling for records relating to the impugned order of punishment issued by the 1st respondent in A.C.C.No.A1/3261/2011 dated 07.01.2015 and quash the same and consequently direct the 1st respondent to consider the name of the petitioner for promotion as Superintendent in the 2014-2015 panel prepared as on 1.2.2012 on par with his junior Thriu R.Manivasan with all consequential monetary benefits.



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For Petitioner : Mr.S.N.Ravichandran for
Mr.T.Ranganathan

For Respondents : M/s.A.S.Ragul Adhithya for
M/s.P.T.Ramadevi

ORDER

While the petitioner was working as Assistant in the respondent Corporation, he was subjected to disciplinary proceedings by duly placing him under suspension on 29.09.2011 and accordingly, a charge memo dated 08.12.2011 came to be issued containing four charges pertaining to the period from 2007 to 2011. The petitioner submitted his explanation on 29.12.2011 denying the charges. Thereafter, an enquiry officer was appointed to conduct an oral enquiry into the charges that are levelled against the petitioner. Accordingly, the enquiry officer submitted his report dated 12.02.2013 holding all the charges levelled against the petitioner as proved.

2. It was thereafter, for the reasons best known to the respondents, first charge memo dated 08.12.2011 was withdrawn on 14.05.2013 and on the same day, a new charge memo was issued containing the very same charges. It was thereafter, the financial advisor of the respondent Corporation was appointed as an enquiry officer to conduct oral enquiry into the charges.



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Accordingly, the enquiry officer conducted an enquiry and submitted his report on 22.10.2013 holding all the charges levelled against the petitioner as proved. In the meanwhile, the suspension imposed on the petitioner was revoked on 27.09.2013 and he was reinstated into service.

3. On receipt of the report of the enquiry officer, the 1st respondent furnished a copy of the same to the petitioner affording him an opportunity to submit his objections on the report of the enquiry officer. Accordingly, the petitioner submitted his objections through a representation dated 06.11.2013, specifically contending that no documents were marked as exhibits during the course of enquiry, and also contending that the enquiry officer has not recorded the statement that is intended to be made by the petitioner. He also further submitted that no enquiry was conducted except preparing certain questionnaire and requiring the petitioner to answer the said questionnaire. It was thereafter, the 1st respondent passed the impugned order dated 07.01.2015 imposing the punishment of stoppage of increments for three years without cumulative effect on the petitioner. It is aggrieved by the said order dated 07.01.2015 passed by the 1st respondent, the petitioner approached this Court by filing the present writ petition.



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4. Heard Mr.S.N.Ravichandran, learned counsel for the petitioner and Mr.A.S.Ragul Adhithya, learned counsel for the respondents.

5. After having heard learned counsel on either side in elaborate, this Court does not deem it necessary to deal with the matter in detail, in the context of the fact that there is utter violation of the principles of natural justice at the instance of the 1st respondent herein while passing the impugned order dated 07.01.2015. On receipt of the report of the enquiry officer, the 1st respondent disciplinary authority furnished a copy of the same to the petitioner on 22.10.2013. In response thereto, the petitioner has submitted his objections on the procedure that was followed by the enquiry officer by submitting his explanation on 06.11.2013. It was thereafter, the 1st respondent passed the impugned order dated 07.01.2015.

6. A perusal of the impugned order would show that the 1st respondent has simply extracted the charges that were levelled against the petitioner, the explanation submitted by the petitioner, the findings of the enquiry officer, and further extracted the objections that were raised by the



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petitioner against the report of the enquiry officer through his additional explanation dated 06.11.2013. Having extracted all the above, the 1st respondent proceeded to pass the impugned order, proclaiming that he had carefully examined the explanation of delinquent officer and he concurred with the findings recorded by the enquiry officer and thereby held the charges levelled against the petitioner as proved and proceeded to impose the punishment as noted above.

7. From the perusal of the impugned order, it is evident that there is absolutely no application of mind by the 1st respondent. Though learned counsel for the petitioner has alleged various other aspects which goes to the root of the matter in the matter of conducting an enquiry, etc, in the light of the apparent error on the face of the impugned order, this Court is not inclined to go into all those aspects. The 1st respondent, having taken note of the additional explanation submitted by the petitioner against the report of the enquiry officer especially contending that the enquiry officer failed to record the statement that is intended to be made by the petitioner during the course of enquiry and also contending that the no exhibits were marked during the course of enquiry etc, and having been aware of such objections raised by the



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petitioner and having extracted the same in the impugned order under the caption “additional explanation of the delinquent”, failed to advert to the said allegations. The very purpose of affording an opportunity while furnishing a copy of the enquiry officer report is to find out whether the petitioner was afforded fullest opportunity during the course of enquiry and whether the procedure that is required to be followed was followed by the enquiry officer or not.

8. In the instant case, inspite of the petitioner raising objections in respect of procedure that was adopted by the enquiry officer, the 1st respondent, having taken note of the objections, failed to advert to the said objections while passing the impugned order. Even if the 1st respondent agrees with the findings of the enquiry officer, it is obligatory on the part of the 1st respondent to deal with the objections raised by the petitioner. Especially, when the petitioner raised objections on the ground that the enquiry officer has not even recorded the statement of the petitioner inspite of an attempt made by the petitioner to make such a statement, the 1st respondent failed to consider the same while passing the impugned order. Further, when the petitioner has taken a specific objections that no exhibits were marked

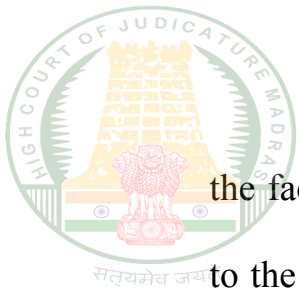


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during the course of enquiry by the enquiry officer, the disciplinary authority ought to have examined whether any such exhibits were marked in order to prove the charges levelled against the petitioner or not. But in the instant case, the 1st respondent in a mechanical manner without application of mind proceeded to pass the final order imposing the punishment of stoppage of increments for three years without cumulative effect.

9. No doubt, the punishment that was imposed on the petitioner is minor punishment and which has no major consequence. But, when such an order is passed imposing the minor punishment, in violation of principles of natural justice, the same cannot be sustained.

10. In the light of the above, this Court is thoroughly convinced that the 1st respondent passed the impugned order in utter violation of the principles of natural justice and the impugned order is liable to be quashed. In the normal course, this Court, having found fault with the impugned order on the ground of violation of principles of natural justice, would remand the matter back to the respondents for redoing the entire exercise from the stage where it was found fault. But in the instant case, taking into consideration



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the fact that the alleged charges levelled against the petitioner are pertaining to the year 2007-2011 and the respondent disciplinary authority, having held the charges as proved, choose to impose minor punishment of stoppage of increments for three years without cumulative effect, this Court does not deem it appropriate to remand the matter back to the disciplinary authority for redoing the entire exercise at this length of time. In the circumstances, the impugned order is quashed.

11. Accordingly, the writ petition is allowed. No costs. Connected miscellaneous petitions, if any, shall stand closed.

19.08.2025

dpa

Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No



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MUMMINENI SUDHEER KUMAR, J.

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