



W.P.No.5090 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2025

CORAM

THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

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C.Tamil Selvi
Deputy Tahsildar
(Land Acquisition)
(retired from service)
No.818, Mariamman Koil Street
Kunjukuppam Village
Kadampuliyur, Panroti Taluk
Cuddalore District.

... Petitioner

VS.

1. The Secretary to Government
Revenue Department
Fort St. George, Chennai-600 009.
2. The Additional Chief Secretary
Commissioner of Revenue Administration
Chepauk, Chennai-600 005.
3. The Collector

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Cuddalore District.

... Respondents

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Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus, to call for the records connected with the proceedings issued in Proc.No.Ser.3(1)/35653/2013 dated 04.08.2014 (received on 24.09.2014) passed by the 2nd respondent and quash the same and consequently, direct the respondents to disburse the pensionary benefits admissible to the petitioner.

For Petitioner : Mr.T.Ranganathan
For Respondents : Mr.V.Nanmaran
Additional Government Pleader

ORDER

The challenge in the present writ petition is to the order dated 04.08.2014 bearing Proceedings No. Ser.3(1)/35653/2013 passed by the second respondent. By the said order, the punishment of fine equivalent to stoppage of increment for one year without cumulative effect imposed on the petitioner was modified to the extent that the stoppage of increment



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would operate up to the date of her retirement, i.e., 30.06.2014.

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2. The petitioner was promoted to the post of Deputy Tahsildar and, while so, she was issued with a charge memo. The charge memo reads as follows:

“Charge No.1:

While working as Revenue Inspector, Kadampuliyur, Panruti Taluk the delinquent official failed to check the beneficiaries list of crop damages relief prepared by the V.A.O. Keelampattu during November 2005 floods.

Charge No.2:

Paved way for loss of Government money by recommending excess amount over and above the extent of land held by the beneficiaries.

Charge No.3:

Violated Section of the Tamil Nadu Government Servants Conduct Rules by failing in her duties and responsibilities.”

3. The explanation submitted by the petitioner was found to be



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unsatisfactory. Thereafter, a departmental enquiry was initiated, and the

Enquiry Officer, after concluding the enquiry, submitted a report holding that the charges against the petitioner stood proved. The petitioner submitted her explanation to the second show cause notice and the Disciplinary Authority, after considering the enquiry report and the petitioner's explanation, passed an order imposing the punishment of fine equivalent to stoppage of increment for one year without cumulative effect, vide order dated 01.04.2013. The order of punishment passed by the Disciplinary Authority was assailed before the second respondent by way of an appeal. The second respondent initially confirmed the very same order, which was thereafter challenged before the Government/first respondent by filing a revision petition. The first respondent, vide order dated 25.07.2014, set aside the said order and remitted the matter to the second respondent for reconsideration afresh. Therefore, the impugned order has been passed.



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4. Mr. T. Ranganathan, learned counsel for the petitioner, submitted that the allegations against the petitioner pertain to the year 2005, when she was working as a Revenue Inspector, and except for the allegation that she failed to verify the applications submitted by the farmers claiming compensation on account of crop damage, there is no other allegation. In the absence of any statutory duty cast upon the petitioner to verify the said applications, and inasmuch as the applications had been approved and sanctioned by the Assistant Agricultural Officer, there is no material to substantiate that there was any dereliction of duty on her part. Therefore, the impugned order of punishment imposed by the second respondent is arbitrary and discriminatory.

5. In response, Mr. V. Nanmaran, learned Additional Government Pleader, submitted that the Enquiry Officer, after considering the materials on record, had rightly submitted the enquiry report holding that the charges against the petitioner were proved and that the respondents, after considering



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both the enquiry report and the petitioner's explanation, have rightly imposed the punishment. In the absence of any arbitrariness or perversity in the findings recorded by the Enquiry Officer, the impugned order passed by the second respondent does not warrant any interference.

6. The arguments of the learned counsel for the parties and the materials placed on record have been duly considered.

7. The alleged dereliction of duty on the part of the petitioner pertains to the year 2005, when she was serving as Revenue Inspector. The departmental enquiry was initiated by issuing the charge memo only in the year 2012, after a lapse of more than seven years and that too, after the petitioner had been promoted to the post of Deputy Tahsildar.

8. In the counter filed by the second respondent, at paragraph No. 4, it is stated that upon receiving complaints regarding the sanction of relief amounts to ineligible persons of Keezhmampattu Village, Panruti Taluk, in the year 2005, the Vigilance Officials registered a case on 13.04.2007 for



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detailed enquiry and, upon completion of the enquiry, recommended initiation of departmental disciplinary action against the petitioner vide order dated 17.12.2008. The Government accepted the recommendation of the Vigilance Commission and issued orders on 25.07.2011. Accordingly, after observing due official formalities, charges were framed on 28.05.2012 under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, 1955 (hereinafter referred to as “the said Rules” for the sake of brevity, convenience, and clarity).

9. Although the Vigilance Officials registered the case on 13.04.2007 and made their recommendation on 17.12.2008, the Government granted permission to initiate enquiry against the petitioner only in 2012, after more than four years. Therefore, it cannot be said that there was no delay on the part of the Government in initiating the enquiry.

10. Be that as it may, the allegation against the petitioner is that excess compensation was paid to the farmers on account of crop damage and



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that such excess payment occurred due to the petitioner's failure to verify the applications submitted by the Village Administrative Officer. The applications were actually considered by the Village Administrative Officer and the amounts were sanctioned by the Assistant Agricultural Officer. Neither the Village Administrative Officer nor the Assistant Agricultural Officer has been subjected to enquiry, even though the State contends that the petitioner's only role was to verify the applications submitted by the farmers.

11. The order passed by the Disciplinary Authority discloses the recording of the charges framed against the petitioner, the findings recorded by the Enquiry Officer, and the explanation submitted by the petitioner to the second show cause notice. However, the Disciplinary Authority has not given any independent opinion so as to arrive at the conclusion that the charges against the petitioner are proved. Except for recording the above facts, the Disciplinary Authority has not assigned any reason for accepting



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the enquiry report and for imposing the order of punishment.

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12. It is a settled principle of law that punishment in a departmental enquiry can be sustained only when the foundational requirements of a valid charge memo, adherence to principles of natural justice, proof of charges by legally acceptable evidence, independent application of mind by the disciplinary party are strictly complied with,. Any infraction of these essential elements vitiates the entire disciplinary proceedings and renders the order of punishment liable to be quashed.

13. The petitioner retired from service on 30.06.2014. According to the petitioner, her next increment was due on 01.10.2014, i.e., after her retirement. Rule 8 of the said Rules deals with penalties, and the first proviso to Rule 8 stipulates that the penalty of withholding of increment shall not be imposed on a Government servant if the said penalty cannot be given effect to fully while in service. Therefore, the order dated 04.08.2014 withholding increment up to the date of retirement, i.e., 30.06.2014, cannot



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be given effect to in view of the first proviso to Rule 8 of the said Rules, as the Petitioner had retired on 30.06.2014.

14. In the light of the above, I am of the considered view that the charges framed against the petitioner are vague, ambiguous and that the respondents have not placed any substantial evidence to establish that the petitioner committed dereliction of duty by failing to verify the applications submitted by the farmers. Additionally, the Disciplinary Authority has not given any independent opinion or passed a speaking order before accepting the enquiry report. In such circumstances, the impugned order passed by the second respondent is not sustainable in law and is liable to be set aside.

15. Accordingly, the captioned writ petition is allowed and the impugned order dated 04.08.2014 bearing Proceedings No. Ser.3(1)/35653/2013 passed by the second respondent is hereby set aside. The Petitioner is held to any attendant benefits flowing from this order. No costs.

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HEMANT CHANDANGOUDAR, J.,

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