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W.P.No.11604 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.07.2025

CORAM:

THE HONOURABLE MR. JUSTICE **M.S. RAMESH**
AND
THE HONOURABLE MR. JUSTICE **V.LAKSHMINARAYANAN**

Writ Petition No.11604 of 2025 &
WMP.No.13111 of 2025

1.Union of India,
Represented by the Additional Director General,
Ordnance Factory Board,
Ministry of Defence,
Armoured Vehicle Headquarters,
Avadi, Chennai – 600 054.

2.The Senior General Manager,
Heavy Vehicles Factory,
Avadi, Chennai – 600 054. ... Petitioners

Vs.
K.Kumaravel ... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorari to call for the records relating to the impugned order passed by the Central Administrative Tribunal, Chennai Bench in O.A.No.1131 of 2017 dated 04.11.2024 and quash the same.

For Petitioners : Mr.C.Samivel

Respondent : Mr.Menon

ORDER

*(Order of the Court was made by **V.LAKSHMINARAYANAN, J.**)*



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We heard Mr.C.Samivel for the petitioner and Mr.Menon for the respondents.

2. The petitioners were the respondents and the respondent is the applicant before the Central Administrative Tribunal (hereinafter referred to as “CAT”).

3. For the sake of convenience, the parties will be referred to as per their ranks before the Central Administrative Tribunal, Chennai.

4. This writ petition seeks for the following relief:

“To call for the records relating to the impugned order passed by the Central Administrative Tribunal, Chennai Bench in O.A.No.1131 of 2017 dated 04.11.2024 and quash the same.”

5. The admitted facts are the applicant joined the services of the respondent as a welder. He was given night duty on 09.09.2016. At the time of mustering in of the applicant, at about 19.30 hours, the security staff of the respondents found that the applicant was carrying a liquor bottle. Taking serious view of this misconduct, the applicant was issued a charge sheet invoking Rule 14 of Central Civil Services



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(Classification, Control and Appeal) Rules of 1965 (hereinafter referred to as "Rules, 1965"). The charge sheet was issued on 26.09.2016. The specific misconduct pointed out was of bringing a liquor bottle containing alcohol inside the factory for consumption during working hours. This, according to the respondents, was in violation of Security Standing Orders and conduct unbecoming of a Government Servant under Rule 3(1)(iii) of the CCS (Conduct) Rules of 1964.

6. On receipt of the charge memo, the applicant accepted the charge that he had brought a liquor bottle into the premises. He stated so by a reply dated 03.10.2016. The second respondent, after analysis of the case, imposed penalty of *"withholding of increment for a period of one year which is otherwise due subsequent to the issue of the order, with cumulative effect"*. This order was passed invoking Rule 11(iv) of CCS (CC and A) Rules of 1965. The order was passed on 24.10.2016.

7. Aggrieved by this Order, the applicant preferred an appeal before the first respondent on 25.11.2016. The first respondent rejected the appeal on 23.03.2017. Challenging the same, the applicant approached the CAT.

8. The CAT took the application on file in O.A.NO.1131/2017. It



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called upon the respondents to submit a reply and the respondents duly submitted the same.

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9. The applicant, before the CAT, though had accepted the act of bringing a liquor bottle into factory, urged that it was not for the purpose of consumption. He argued that the liquor bottle was purchased by him for the purpose of performance of Pooja to be held on 10.09.2016 in the memory of his junior paternal uncle, who had passed away recently. He pleaded that as his junior paternal uncle did not have any male child to perform the ritual, it fell on the applicant to perform the same.

10. The applicant relied upon the tradition followed in his family, where placing the cigar (சருட்டு) and liquor, while performing the pooja was customary. As the pooja had to be performed early in the morning and since the applicant was in the night shift, he had purchased the liquor bottle on 09.09.2016 along with the other pooja articles and came straight to work. He pleaded that he tried to go through the gate utilised by others officials for mustering in, since checks are not that stringent as through the regular gate. The security employees noticed that he is not entitled to go through that gate, and asked him to go through the regular gate. While going through the regular gate, he was found in possession of a liquor bottle by the



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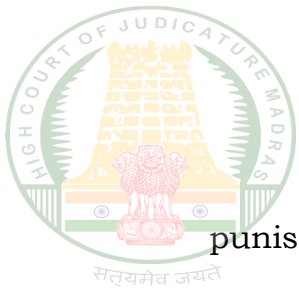
security personnel.

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11. The applicant pleaded that it was an innocent mistake and therefore, it may be condoned. He also pointed out that he was not be in the habit of consuming liquor and had been recommended as "Man of the Month" by his Divisional Officer. He pleaded that he may be exonerated, taking into consideration, his sincerity and excellent performance of duty. In addition, he relied upon an order passed by the CAT in O.A.No.585 of 2012 etc., batch in support of his case.

12. Per contra, the respondents urged that the applicant had accepted the misconduct of carrying liquor into the factory premises. They urged that the applicant was aware of the instructions and actions, that had been initiated by the second respondent, on other employees towards charges with similar offences (i.e.) for bringing liquor into the factory. It was pleaded that it is the duty of a Government servant to refrain from bringing unauthorised items inside the premises of sensitive defence installation.

13. The respondents urged that the motive to bring liquor was for consumption only and the explanation given by the applicant is an afterthought to cover up the misconduct. They further urged that the punishment, that has been imposed on the applicant is correct, and this was also concurred with by the appellate authority. They argued



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punishment had been imposed as a deterrent measure in the interest of maintaining discipline in the factory. Consequently, they sought for a confirmation of the order and dismissal of the original application.

14. The CAT considered the application and counter. It held that the explanation offered by the applicant is plausible and therefore, felt that the punishment imposed is disproportionate. Consequently, it set aside the order of the appellate authority dated 23.03.2017 and remitted the matter to the respondents for fresh consideration on the aspect of proportionality of the penalty. Challenging the same the present writ petition.

15. The learned counsels reiterated the contentions they urged before the CAT. We have gone through the records and have given our anxious consideration to the submissions made by both sides.

16. The admitted fact is that the applicant had brought a liquor bottle into the premises. It is admitted by both sides that the applicant had not consumed liquor inside the premises. The reason for carrying the liquor bottle inside the premises tendered in the explanation dated 03.10.2016, as pointed out by the CAT, is a plausible one. It is the practice among certain communities in this part of the country to offer liquor and cigar (கரட்டு), while performing the



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post funeral obsequies. The respondents have not found that the explanation given by the applicant is a false one.

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17. In fact, the original authority found the liquor bottle in a sealed condition, when it was seized. It had further pointed out that, being the first misconduct of the applicant, it proposes to take a lenient view of the matter. Having taken such a view, to give cumulative effect to the withholding of the increment, which would have consequences till the retirement of the applicant, is rather harsh. Furthermore, the CAT had taken a view in O.A.No.585 of 2012 & batch that while possession of a liquor bottle inside the premises should be punished, the punishment imposed should be proportionate.

18. We are entirely in agreement with the CAT. The CAT could not have taken two different views for two different applicants for the same misconduct. If two different punishments are imposed for the same misconduct, then it would not only violate the principle of equality before law but would amount to treating equals as unequals. Such a course would be anathematic to Article 14 of the Constitution of India. It is not as if the applicant was found in an inebriated condition inside the factory premises. In such a circumstance, we would have certainly interfered with the order.



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19. In the light of the above discussion, the writ petition is dismissed. The respondents shall complete the exercise as directed by the CAT within a period of three months from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petition is closed.

(M.S.R, J.) (V.L.N, J.)
14.07.2025

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Index : Yes
Speaking Order
Neutral Citation : Yes

To

1.The Central Administrative Tribunal, Chennai



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