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W.P.No.11548 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.11548 of 2025 &
WMP.No.13046 of 2025

- 1.Union of India,
Represented by the Additional Director General,
Ordinance 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.

P.Neelakandan ... 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.1132 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.**)*

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



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respondents.

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2. The petitioners were the respondents and the respondent was 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.1132 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 mechanist. 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 in his bag. Taking serious view of this misconduct, the applicant was issued a charge sheet invoking Rule 14 of Central Civil Services (Classification, Control and Appeal) Rules of 1965 (hereinafter referred to as “CCS (CC & A) Rules, 1965”). The charge sheet was issued on 26.09.2016. The specific misconduct pointed out was of trying to bring a liquor bottle containing alcohol inside the factory for consumption during working hours. This, according to the



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respondents, was in violation of Security Standing Orders and conduct unbecoming of a Government Servant under Rule 3(1)(iii) of the Central Civil Services (Conduct) Rules of 1964.

6. On receipt of the charge memo, the applicant accepted the charge that he had brought a liquor bottle in his bag into the premises. He stated so by a reply dated 04.10.2016. 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 & 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.1132/2017. It called upon the respondents to submit a reply and the respondents duly submitted the same.

9. The applicant, before the CAT, though had accepted the act of trying to bring a liquor bottle into the factory, urged that the bag containing the liquor bottle belonged to his friend. His friend had



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placed the bottle in his bag. He argued that the bags were interchanged and the liquor bottle, that has been carried by his friend in his bag, was identified as if it was in the applicant's bag. Apart from that, he pointed out that he is a sportsman in HVF Football team and had secured 17 meritorious medals for the respondent's institution. In addition, the applicant had been appreciated for his excellent performance in sports by way of cash awards for the years 2009, 2012 and 2015.

10. The applicant pleaded that it was an innocent mistake and therefore, it may be condoned. 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.

11. Per contra, the respondents urged that the applicant had accepted the misconduct of trying to bring a liquor bottle 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.

12. The respondents urged that the motive to bring liquor was



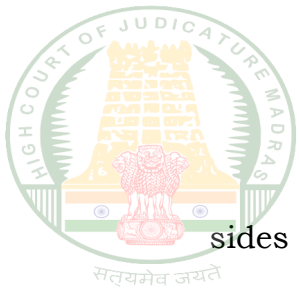
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for consumption only and the explanation given by the applicant is an afterthought to cover up the misconduct. They further urged that the punishment that has been imposed on the applicant is correct and this was also concurred with by the appellate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

13. 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.

14. 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.

15. The admitted fact is that the applicant had attempted to bring a liquor bottle into the factory premises. It is admitted by both



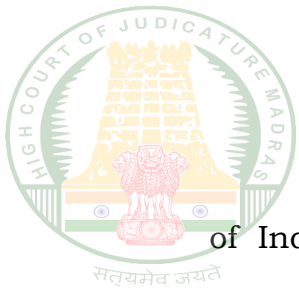
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sides that the applicant had not consumed liquor inside the premises.

The reason for trying to carry the liquor bottle inside the premises tendered in the explanation dated 04.10.2016, as pointed out by the CAT, is a plausible one. The respondents have not found that the explanation given by the applicant is a false one.

16. 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.

17. 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



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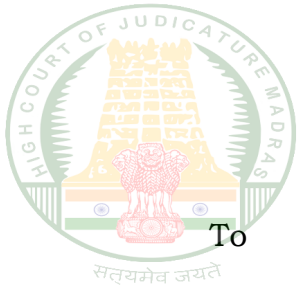
of India. It is not as if the applicant was found in an inebriated condition inside the factory premises. In such a circumstance, we would have certainly interfered with the order.

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



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To

1. The Central Administrative Tribunal, Chennai

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