



W.A.No.2186 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 15.07.2025

CORAM :

THE HON'BLE MR. JUSTICE R.SUBRAMANIAN
AND
THE HON'BLE MR.JUSTICE K.SURENDER

W.A.No.2186 of 2025

1. The Transport Commissioner
Chepauk, Chennai 600 005
 2. The Principal Secretary to Government
Home (Tr-IIA) Department
Secretariat, Chennai 600 009
- .. Appellants

v.

Ananthalakshmi
W/o (Late) S.Gunasekaran

.. Respondent

Memorandum of Grounds of Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 13.07.2023 passed in W.P.No.31533 of 2014.

For Appellants :: Mr.P.Anandha Kumar
Government Advocate

For Respondent :: Mr.A.Suresh Sakthi Murugan

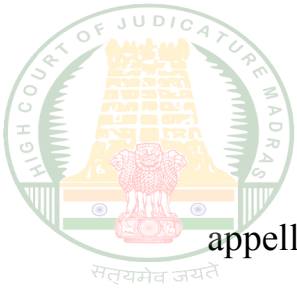


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JUDGMENT
WEB COPY (Judgment of the Court was made by R.SUBRAMANIAN,J.)

We do not see any reason to interfere with the conclusions of the learned single Judge.

2. The husband of the respondent, while working as Superintendent in the Transport Department (Regional Transport Office), Mayiladuthurai, was visited with the charges of dereliction of duty in not supervising the work of the Junior Assistants, who indulged in misappropriation of the monies collected as tax. The charge against the individual was that due to his inaction, there was a pecuniary loss to the Government. The enquiry officer, who was appointed to enquire into the charges, returned a finding that there was lack of supervision and dereliction of duty on the part of the charge-sheeted officer. Based on the report, a punishment of removal from service was imposed in the year 2006. This was challenged before the appellate authority. The appellate authority did not pass orders for nearly eight years, during which time the charge-sheeted officer died. The



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appellate authority eventually disposed of the appeal on 07.04.2014 confirming the punishment imposed. This led to the filing of the writ petition by the wife of the charge-sheeted employee.

3. The learned single Judge took note of the fact that there is no allegation that the charge-sheeted officer attained any financial benefit and the Junior Assistants, who had indulged in misappropriation, were let off with a minor punishment of stoppage of increment. Taking note of the above, the learned single Judge reduced the punishment imposed to stoppage of increment for a period of three years with cumulative effect. Fifty per cent backwages and the terminal benefits were awarded. Aggrieved, the Government is on appeal.

4. We have heard Mr.P.Ananda Kumar, learned Government Advocate appearing for the appellants and Mr.A.Suresh Sakthi Murugan appearing for the respondent.

5. Mr.Ananda Kumar, learned Government Advocate appearing for



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the appellants would contend that the Court will not interfere with the quantum of punishment, unless it is shown that it is shockingly disproportionate to the proved delinquency. Therefore, according to him, the learned single Judge was not right in reducing the punishment.

6. Law on the powers of the Court to reduce the punishment is settled. While the quantum of punishment is left to the discretion of the employer, Courts only monitor it so as to avoid discrimination amongst the charge-sheeted employees or co-delinquents. From a perusal of the charges and the finding of the enquiry officer, we gather that the main charge against the deceased employee/husband of the respondent is that he did not effectively supervise the work of his juniors who indulged in misappropriation. It is not disputed that the juniors, who had actually indulged in misappropriation, have been let off with a minor punishment of stoppage of increment. That being so, the award of capital punishment of removal from service to the charge-sheeted officer that too, when it is not shown that he has obtained any monetary gain, is definitely an issue to be considered by the Court while examining the correctness of the disciplinary proceedings and the



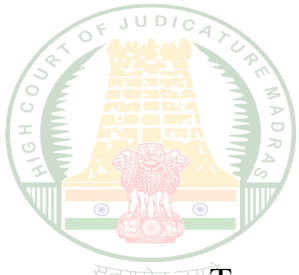
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consequent punishment imposed on the charge-sheeted officer. The learned single Judge has rightly observed that while the actual miscreants were let off with a punishment of stoppage of increment, the imposition of major penalty of removal from service on the husband of the respondent is too onerous and it is in fact shockingly disproportionate to the proved delinquency. We see no reason to differ from the view taken by the learned single Judge, inasmuch as the delinquent employee is also no more and it would only be the retiral benefits that he would be entitled to. Hence the writ appeal fails and it is, accordingly, dismissed. The Government is granted eight weeks time from the date of receipt of a copy of this order to comply with the order. Consequently, C.M.P.No.16716 of 2025 is dismissed. No costs.

Index : yes/no
Neutral citation : yes/no

(R.S.M.,J.) (K.S.,J.)
15.07.2025

SS



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AND

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