



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-02-2025

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THE HONOURABLE MR JUSTICE S. S. SUNDAR

AND

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THE HONOURABLE MR JUSTICE C. SARAVANAN

WA No. 2452 of 2023

and

CMP.No. 20837 of 2023

1. The Government Of Tamilnadu
Rep by its Principal Secretary,
Handlooms, handicrafts, Textiles and Khadi
(E2) Department,
Fort St.George, Chennai-600 009

2. The Director of Handlooms and Textiles
Chennai-600108.

..Appellants

Vs

M.Ratna Ravaneswaran
S/o. Masilamani,

..Respondent

Prayer : Writ Appeal is filed under Clause 15 of the Letters Patent to set aside the order of this Court dated 25.11.2022 made in W.P.No. 16691 of 2020.

For Appellants : Mr.R.Kumaravel, AGP

For Respondent : Mr.K.Raja

JUDGMENT

(Order of the Court was made by the Hon'ble S.S.Sundar J.)

This writ appeal is directed against the order of the learned Single Judge made in W.P.No. 16691 of 2020 dated 25.11.2022.



2. The respondent in this writ appeal has filed a writ petition in W.P.No. 16691 of 2020 challenging the impugned order dated 01.09.2020 passed by the 1st respondent Government, dismissing the writ petitioner from service. The respondent also prayed for a direction to the appellant to settle the entire retirement benefits with interest. The writ petitioner worked as Deputy Director of Handlooms and Textiles in Salem District. A charge memo was issued against the writ petitioner and another person. Allegation against them is that other person who was working under the writ petitioner had received bribe on behalf of the writ petitioner. Taking note of findings recorded by the 1st respondent that there is no direct evidence to connect the writ petitioner either for demanding or accepting bribe, the learned Single Judge held that punishment of dismissal is disproportionate and therefore the order of the punishment of dismissal passed by the 1st appellant was set aside and the matter was remitted to the 1st respondent for fresh consideration. It was also held that the writ petitioner shall not claim any monetary benefits till final orders passed. The learned Single Judge also recorded the undertaking to the effect that the writ petitioner will not claim any monetary compensation against the appellants or interest for delayed payment. Challenging the said order of the learned Single Judge, the present appeal has been preferred by the State.

3. The learned Additional Government Pleader was unable to demonstrate how and why the department concluded that, major punishment of dismissal from service should be imposed on the writ petitioner/respondent. A careful examination of the records reveals that the learned Single Judge has rightly taken note of the findings recorded by the



first respondent, which indicated the absence of any direct evidence linking the writ petitioner to the alleged delinquency namely the demand or acceptance of bribe. Given this factual position, the learned Single Judge found the punishment of dismissal to be disproportionate and, accordingly, set aside the dismissal order while remitting the matter to the first respondent for fresh consideration. Even though the appellant relied upon the decision of the Hon'ble Supreme Court in the case of *Union of India & Others Vs. Subarata Nath (reported in (2022) SCC Online SC 1617)*, this Court is unable to apply the said decision of the Hon'ble Supreme Court to the facts of this case. This Court finds no valid grounds to interfere with the reasoned decision of the learned Single Judge, as the direction for reconsideration does not prejudice the department but rather ensures a fair, just and fresh determination on merits.

4. Accordingly, the writ appeal is dismissed as devoid of merits. No costs. Consequently, connected Miscellaneous Petition is closed.

(S.S.SUNDAR J.) (C.SARAVANAN J.)

20-02-2025

Index : Yes/No
Internet : Yes
Neutral citation : Yes
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