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W.A No. 3226 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.11.2025

CORAM

THE HON'BLE MR JUSTICE R.SURESH KUMAR

AND

THE HON'BLE MR JUSTICE HEMANT CHANDANGOUDAR

W.A No.3226 of 2025

and

C.M.P.No.26366 of 2025

1. The Secretary to Government
Commercial Taxes and Registration (K) Department
Government of Tamil Nadu
Fort St.George
Chennai-600 009.

2. The Inspector General of Registration
No.100, Santhome High Road
Santhome, Chennai-600 028.

..Appellants

Vs

1. D.Balasundaram
S/o.K.Devadass
2. B.Prabhu
S/o.Balasundaram
3. B.Dinesh
S/o.Balasundaram

..Respondents

Writ Appeal is filed under Clause 15 of Letter Patent to set aside the order dated 27.09.2024 made in W.P.No.23124 of 2012 and allow the above writ appeal.



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For Appellants : Mr.U.Baranidharan
Special Government Pleader
for State Government Pleader

J U D G M E N T

(Made by **HEMANT CHANDANGOUDAR, J.**)

The challenge in this intra-Court appeal is to the order dated 27.09.2024 passed by the learned Single Judge in W.P. No. 23124 of 2012. By the said order, the learned Single Judge set aside the punishment of compulsory retirement imposed on the deceased employee and substituted it with the punishment of stoppage of increment for a period of three years without cumulative effect, and further directed the passing of all consequential orders.

2. During her lifetime, Tmt. S. Vijayalakshmi, wife of the first respondent and mother of respondents 2 and 3, who was employed as a Superintendent in the cadre of Sub-Registrar in the office of the District Registrar, Salem (West), was issued a charge memo containing seven charges. The Enquiry Officer, after conducting a detailed enquiry, submitted a report holding that all the charges against the deceased delinquent were proved.



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Thereafter, the Disciplinary Authority imposed the punishment of compulsory retirement from service.

3. The said order of punishment was challenged before this Court in the aforesaid writ petition. After hearing both parties, the learned Single Judge passed the impugned order, which is the subject matter of the present appeal.

4. We have heard Mr. U. Baranidharan, learned Special Government Pleader appearing for the appellants.

5. Charges 1 to 6 pertained to incorrect entries made with respect to various marriages registered by the deceased employee, while Charge No. 7 related to non-adherence to the statutory requirement of giving 30 days' notice before registering a marriage under the Special Marriage Act, 1954.

6. The learned Single Judge observed that Charges 1 to 6 did not relate to any deliberate acts of misconduct but to a failure to verify the entries made during the course of marriage registrations. On the face of it, the said charges were not of a serious nature, and no *mala fide* intention was attributed to the



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deceased employee in respect of the irregularities alleged.

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7. Therefore, when the charges were trivial in nature, the initiation of disciplinary proceedings under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, 1955 was held to be disproportionate. The learned Single Judge accordingly held that the punishment of compulsory retirement was shockingly disproportionate to the gravity of the charges and, in exercise of writ jurisdiction, modified the punishment as stated above.

8. We find that the order of the learned Single Judge suffers from no illegality or infirmity warranting interference.

9. The contention of Mr. U. Baranidharan, learned Special Government Pleader for the State, that when the punishment is found disproportionate, the learned Single Judge ought to have remanded the matter to the Disciplinary Authority for reconsideration, is not acceptable.

10. Ordinarily, when a punishment is found disproportionate to the gravity of the misconduct, the matter is remanded to the Disciplinary Authority



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to impose an appropriate punishment. However, in the present case, having regard to the peculiar facts and circumstances, and considering that the charges against the deceased delinquent were trivial and that she is no more, remanding the matter to the Disciplinary Authority would cause monetary hardship and undue delay to her legal heirs, who are otherwise entitled to the benefits flowing from the order of the learned Single Judge. Such a remand, in our considered view, would result in miscarriage of justice.

11. In these circumstances, we are of the view that the impugned order passed by the learned Single Judge is just and proper and does not warrant any interference by this Court.

12. Accordingly, the Writ Appeal stands dismissed. Consequently, the connected miscellaneous petition is closed. There shall be no order as to costs.

(R.S.K.,J)

(H.C., J)

12.11.2025

Index : Yes / No

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and
HEMANT CHANDANGOUDAR, J.,

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