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W.P.No.25267 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.08.2025

CORAM:

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

Writ Petition No.25267 of 2024

M.Mathiyazhagan

... Petitioner

Vs.

1.The Director,
Postal Services,
Department of Posts,
Western Region (TN),
Coimbatore – 641 002.

2.The Superintendent of Post Offices &
Disciplinary Authority,
Department of Posts,
Thirupathur Division,
Thirupathur - 635 601,
Vellore District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorarified Mandamus calling for the records of impugned order dated 22.03.2024 made in OA/310/727/2016 passed by the Central Administrative Tribunal, Chennai Bench and quash the same, and consequently, direct the respondents to reinstate the petitioner into service as Postman with all service benefits.

For Petitioner : Mr.M.R.Jothimanian

Respondents : Dr.G.Babu,



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Central Government Standing Counsel

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ORDER

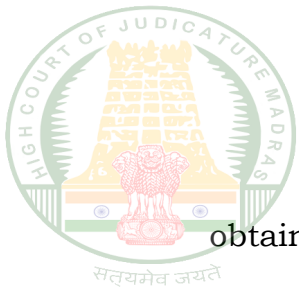
(Order of the Court was made by **V.LAKSHMINARAYANAN, J.**)

The writ petitioner seeks for the following reliefs:

“calling for the records of impugned order dated 22.03.2027 made in OA/310/727/2016 passed by the Central Administrative Tribunal, Chennai Bench and quash the same, and consequently, direct the respondents to reinstate the petitioner into service as Postman with all service benefits.”

2. The petitioner was appointed as postman on 21.07.1990. Thereafter, he was promoted as Mail Overseer, and as Head Postman. While working as postman, he was given the duty of making payments of old age pension to the identified beneficiaries. Noticing that he is said to have made payments to two old age pensioners, namely, Murugesan, son of Sadaiyan, and Govindan, son of Muniyan, who had passed away on 28.09.2012 and 14.12.2012 respectively, he was placed under suspension. Disciplinary proceedings were initiated against him on the allegation of misappropriation of amounts of old age pension.

3. On 24.09.2014, charges were served on the petitioner. A specific charge being that the amounts payable to Murugesan and Govindan were said to have been paid and acknowledgements



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obtained by the petitioner, but the same were misappropriated for his personal expenses, though the said beneficiaries have reported to be expired. Enquiry was conducted at the branch level and thereafter, proceedings were initiated in terms of Rule 14 of Central Civil Services (Classification, Control and Appeal) Rules (hereinafter referred to as “CCS (CCA) Rules”).

4. During the course of enquiry, the petitioner admitted to the allegations in both articles of charge. Consequently, the enquiry officer submitted a report to that effect. Taking into consideration, the disciplinary authority awarded a punishment of removal from service. An appeal was preferred from the said order to the first respondent. That too was dismissed. Challenging the same, the writ petitioner moved the Central Administrative Tribunal (hereinafter referred to as the “Tribunal”) in OA.No.727 of 2016.

5. The Tribunal took the application on file and directed the respondents to file a counter. After the pleadings were completed, the Tribunal took up the matter for final disposal.

6. The Tribunal went through the enquiry proceedings in detail and came to a conclusion that the order removing from service does not require any interference. Challenging the same, the present writ petition.



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7. We heard Mr.M.R.Jothimanian for the petitioner and Dr.G.Babu, learned Central Government Standing Counsel for the respondents.

8. Mr.M.R.Jothimanian pleads that the enquiry was not conducted in the manner known to law, and that despite the request for defence assistance, the same has been denied. He pleads that the applicant had put in nearly 27 years of unblemished service and hence, removal from service would be disproportionate. Therefore, he seeks for interference of the order passed by the Tribunal and that of the respondents and restore the petitioner in service.

9. Per contra, Dr.Babu points out that after the enquiry at branch level, a regular enquiry was conducted by one Mr.Natarajan, ASP Head Quarters, Tiruppattur Division, Tiruppattur. Notice had been served on the writ petitioner. He appeared before the enquiry officer and admitted both the charges that were framed against him. He points out the admission is unconditional. Hence, following Rule 14 of CCS (CCA) Rules, the enquiry was closed. Thereafter, the enquiry officer submitted a report to the Superintendent of Post Office, Tiruppattur Division, Tiruppattur.

10. The Superintendent of Post Office also sent a copy of the



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report to the writ petitioner. After receipt of a reply, wherein the petitioner had categorically admitted the two charges, the authority proceeded to pass an order of punishment of removal from service. He further points out that the appeal preferred to the first respondent was duly considered. The authority came to the conclusion that all charges framed against the writ petitioner were proved by his admission. The appellate authority noticed that enough opportunities had been offered to the charge sheeted officer and instead of proving his innocence during the enquiry, the writ petitioner had indulged in blaming the enquiry officer, presenting officer, and the disciplinary authority. After applying his mind to the facts of the case, the appeal was dismissed.

11. Dr.Babu adds that though the Tribunal is not sitting as an appellate authority, it had reviewed the entire case and had come to a conclusion that the application deserves an order of dismissal. He pleads that we should not interfere with the order, which has been rightly passed and sought for dismissal of the writ petition.

12. In response, Mr.M.R.Jothimanian points out that a sum of Rs.8,000/-, which the petitioner is alleged to have been misappropriated, has also been returned. He pleads that by taking into consideration the family situation of the writ petitioner, we should adopt a lenient approach.



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13. We have carefully considered the submission of both sides and have gone through the records.

14. It is not in dispute that an enquiry was conducted in the branch level and the writ petitioner was placed under suspension. Thereafter, he was issued with a charge memo in terms of Rule 14(4) of the CCS (CCA) Rules. A response too, was received. Thereafter, the enquiry was commenced. It is here that we will usefully refer to Rule 14(9) and 14(10) of the CCS (CCA) Rules, 1965. They read as hereunder:

“14(9) If the Government servant who has not admitted any of the articles of charge in his written statement of defence or has not submitted any written statement of defence, appears before the Inquiring Authority, such authority shall ask him whether he is guilty or has any defence to make and if he pleads guilty to any of the articles of charge, the Inquiring Authority shall record the plea, sign the record and obtain the signature of the Government servant thereon.

(10) The Inquiring Authority shall return a finding of guilt in respect of those articles of charge to which the Government servant pleads guilty.”

15. A perusal of the files reveals the following:

“ Initially, the IO has shown the Supdt of POs,



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Tirupattur Dn memo No.F1\111-1\13-14 dt. 24.09.2014 and RL acknowledgement and questioned the CGS to intimate on what date the memo was delivered to him and whose signature in the RL AD? The CGS replied that the memo was delivered to him on 27.09.2014 and the signature in the RL AD is of him. Then a representation dt. 04.10.2014 was shown to him and asked whose signature is in it? He replied that the signature is of him. Then the contents in the So, Thirupattur Dn memo No. F1\111-1\13-14 dt. 24.09.2014 (including the 2 articles of charges against the CGS) were read over to him and explained in Tamil also and questioned whether he has understood the contents fully. The CGS replied that he understood the contents fully. Then he was asked to explain about the two articles of charges levelled against him vide Supdt of POS, Thirupattur memo No. F1\111-1\13-14 dt. 24.09.2014. The CGS replied that he admitted all the two articles of charges levelled against him, unconditionally and no more inquiry is required in this case.

16. When the writ petitioner has admitted the charges made unconditionally, we do not find any error on part of the enquiry officer in recording the admission, taking the signature of the delinquent officer and submitting a report.

17. As rightly pointed out by Dr.Babu, in his reply to the letter calling upon him for his remarks, the writ petitioner had yet again admitted the charges to the first respondent. This is clear from his



letter dated 01.12.2014, which is extracted hereunder:

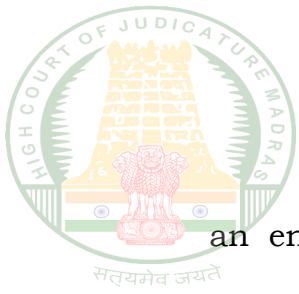
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“2. I have received one rule 14 of CCS (CCA) Rule 1965 which is containing 2 (two) articles of charge vide letter No.F1/111-1/13-14 dated 24/09/2014 of SPO's Tirupattur Dn Tirupattur 635601. In my rejoinder letter dated 04/10/24 at the SPO's Triupattur having admitted the two articles of charge in toto and begged to be granted pardon in this case.

3. In the preliminary sitting held on 27/10/2014 at Ambur so, even during the formal enquiry before GO. I admitted the two articles in toto, resulting the oral and formal enquiry has been got concluded in the first sitting itself on 27/10/2014 and admission before GO in the sitting held on 27/10/2014 vide daily order sheet No.1 dated 27/10/2014 and even at the stage, I admit the two articles of charge framed against me vide memo number F1/111-1/13-14 dated 24/09/2014 unequivocally.”

18. It is for the first time in the appeal that the writ petitioner had sought to invoke Rule 14(8)(a) and 14(8)(b) of the CCS (CCA) Rules, 1965. Curiously enough, in the very appeal, he does not recant his admission but states that he has admitted the charges on the persuasion of the presenting officer and the enquiry officer, hoping that he will get some lenience. This aspect too, had been gone into by the appellate authority but rejected the plea of leniency.

19. When the authorities have given a charge sheet, conducted



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an enquiry, and during the course of such an enquiry, when the charge sheeted officer has accepted that he is guilty, no further aspect needs to be probed into the enquiry. Accordingly, the enquiry officer had recorded the guilt and closed the enquiry. In our view, The allegations against the enquiry officer, and the presenting officer, and the demand for the alleged defence assistance are all matters of afterthought.

20. The Tribunal has gone into these aspects including the scope of jurisdiction of the courts and Tribunal, while dealing with the case relating to misappropriation of funds. The Tribunal had rightly concluded that once all procedural requirements are completed, the courts should not normally interfere with the quantum of punishment. Furthermore, this is a case of malversation of funds and the employer had decided not to continue with the employment of the writ petitioner as he has lost his confidence in him.

21. We do not find any error in the order passed by the Tribunal. The Tribunal has applied the right principles of law to the facts before it. As pointed out by Dr.G.Babu, this court under Article 226 of Constitution does not sit as a appellate authority over the Tribunal. We only see whether the decision making process has been in accordance with law. In this case, we find it to be so. Consequently, the writ petition is dismissed. No cost.



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(M.S.R, J.) (V.L.N, J.)
11.08.2025

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Index : Yes
Speaking Order
Neutral Citation : Yes

To

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- 3.The Central Administrative Tribunal,
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**M.S. RAMESH, J.
and
V.LAKSHMINARAYANAN, J.**

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