



W.A No. 2636 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-09-2025

CORAM

THE HON'BLE MR JUSTICE R.SURESH KUMAR

AND

THE HON'BLE MR JUSTICE HEMANT CHANDANGOUDAR

W.A No. 2636 of 2025

M.S.Selvi

..Appellant

Vs

1. The Government of Tamil Nadu
Rep by its Secretary to Government
Highways and Minor Ports Department,
For St.George, Chennai-9.

2. Director General,
Highways Department,
Integrated Chief Engineer Office Campus,
Guindy, Chennai-25.

..Respondents

Writ Appeal is filed under Clause 15 of Letter Patent to set aside the order dated 16.07.2025 passed in W.P.No. 32810 of 2024.



W.A No. 2636 of 2025

WEB COPY

For Appellant: Mr.S.R.Rajagopal, Senior Counsel

For Mr. S.Praveennath

For Respondents : Mr.E.Veda Bagath Singh, Spl.GP

JUDGMENT

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

This intra-Court appeal is directed against the order dated 16.07.2025 passed by the learned Single Judge in W.P. No. 32810 of 2024, whereby the challenge made by the appellant/writ petitioner to the punishment imposed by the respondent-disciplinary authority—viz., stoppage of increment with cumulative effect came to be rejected.

2. The brief facts leading to the filing of the writ petition are as follows:
The appellant, while serving as Superintending Engineer, was issued a charge memo dated 29.09.2021, which contained the following articles of charge:

Charge No. 1

That said Tmt. M.S. Selvi, formerly Superintending Engineer, National Highways, Tirunelveli, and presently Superintending Engineer (H), NABARD and Rural Roads, Tirunelveli Circle, during her tenure as Superintending Engineer, National Highways,



W.A No. 2636 of 2025

WEB COPY

Tirunelveli from 25.06.2018 to 21.01.2019, invited tenders for five works under the Central Road Fund Scheme, vide Tender Notice No. 02/2018-2019/HDO dated 25.06.2018. One of the contractors, Thiru M. Murugan, submitted tenders for three works. The tender opening was initially fixed on 02.08.2018 but was subsequently postponed to 09.08.2018, 11.08.2018, 13.08.2018, and finally opened on 20.08.2018. During the pendency of the tender process, on 07.08.2018, the appellant along with another contractor, Thiru A. Kamaraj, visited the residence of the said contractor, Thiru M. Murugan. By doing so, the appellant is alleged to have committed misconduct unbecoming of a responsible officer.

Charge No. 2

That during the same period, the appellant, along with Thiru M. Murugan, Divisional Engineer, visited the tractor showroom owned by Thiru M. Madasamy, son of the aforesaid contractor, on 09.08.2018, purportedly for the trivial purpose of obtaining the phone number of the contractor in connection with a petition received against him, even though the tender process was ongoing. By so acting, the appellant is alleged to have committed misconduct.

Charge No. 3

That the appellant failed to maintain absolute integrity and devotion to duty, thereby violating Rule 20(1) of the Tamil Nadu Government Servants' Conduct Rules, 1973.



W.A No. 2636 of 2025

WEB COPY

3. As the disciplinary authority was not satisfied with the explanation offered by the appellant, an enquiry officer was appointed. The enquiry officer, after conducting the enquiry, submitted a report holding that Charge No. 1 was not proved, whereas Charges No. 2 and 3 stood proved. The appellant submitted a detailed representation in response to the second show-cause notice. The disciplinary authority, after considering the enquiry report and the representation, ultimately imposed the punishment of stoppage of increment with cumulative effect. The learned single judge confirmed the order of punishment vide impugned order.

4. Assailing the order of the learned single judge , Mr. S.R. Rajagopal, learned senior counsel for the appellant, contended that the charges levelled against the appellant are trivial and vague, and even if taken at face value, do not amount to misconduct warranting the imposition of a penalty. It was further submitted that the disciplinary authority did not assign any cogent or independent reasons for differing from the findings of the enquiry officer in respect of Charge No. 1, but merely adopted the conclusions of the enquiry officer with respect to Charges No. 2 and 3, without properly evaluating the



W.A No. 2636 of 2025

appellant's explanation. Consequently, the order is arbitrary, discriminatory, and violative of principles of natural justice.

5. Per contra, Mr. Veda Bagath Singh, learned Special Government Pleader appearing for the respondents, contended that the disciplinary authority, after duly applying its mind and considering the explanation of the appellant, concluded that the charges stood proved, and therefore imposed the penalty. It was argued that the punishment imposed is proportionate and does not warrant interference in exercise of the writ jurisdiction.

6. We have heard the rival submissions advanced by the learned counsel for the parties and carefully perused the records.

7. The essence of the allegation against the appellant is that, during the pendency of the tender process, she visited the residence of one of the bidders and that her driver visited the showroom belonging to the bidder's son for the purpose of obtaining the contractor's phone number. However, as correctly recorded by the enquiry officer, no material was placed either before him or



W.A No. 2636 of 2025

before the superior authority to establish that any mala fides could be attributed to the appellant, or that she had shown undue favour to the contractor in question. Significantly, the said contractor, Thiru M. Murugan, was not awarded the tender, which circumstance reinforces the conclusion that the visit of the appellant to his residence was casual in nature.

8. With regard to Charge No. 2, the enquiry officer observed that it was in fact the appellant's driver who had gone to the contractor's showroom to collect a phone number, while the appellant remained seated in the car. Again no material was placed either before him or before the superior authority to establish that any mala fides could be attributed to the appellant, or that she had shown undue favour to the contractor on account of her driver visiting the tractor showroom.

9. The detailed explanation submitted by the appellant in her reply to the second show-cause notice, though recorded in the impugned order, was not considered or dealt with. No reasons were assigned for rejecting the appellant's defence.



W.A No. 2636 of 2025

WEB COPY

10. It is a settled principle that an order imposing punishment must be a reasoned and speaking order, reflecting due application of mind. The requirement is rooted in the principles of natural justice, for only by furnishing reasons can it be demonstrated that justice has not only been done but has also been seen to have been done. In the absence of any evidence to establish mala fides or to prove that the appellant's visits had any nexus with the tender process or resulted in favouring the contractor, the order of punishment is not sustainable. The perfunctory manner in which the disciplinary authority imposed the punishment, without advertng to the explanation offered by the appellant, renders the order arbitrary, non-speaking, and violative of natural justice.

11. The learned Single Judge dismissed the writ petition primarily on the ground that the scope of judicial review in disciplinary proceedings is limited, and interference is warranted only where the findings are perverse or the decision is vitiated by illegality. While the principle of limited judicial review is well established, in the present case, the punishment imposed suffers from non-application of mind, absence of reasons, and violation of the principles of



W.A No. 2636 of 2025

natural justice, thereby rendering the decision itself perverse in law. Moreover, in view of the vagueness of the charges and the absence of any material attributing mala fides to the appellant, the appellant cannot be punished merely for allegedly visiting the contractor's residence or for her driver having visited the contractor's tractor showroom.

12. In view of the foregoing discussion, we are of the considered opinion that the impugned order of punishment cannot be sustained. Accordingly, the intra-Court appeal is allowed. The order dated 16.07.2025 passed by the learned Single Judge in W.P. No. 32810 of 2024 is set aside. Consequently, the order of punishment passed by the first respondent in G.O. (D) No. 62 dated 24.07.2024 is also quashed. There shall be no order as to costs.

(R.S.K.,J)

(H.C., J)

09.09.2025

Index : Yes / No

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WEB COPY



W.A No. 2636 of 2025

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