



W.A.No.293 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 17.03.2025

CORAM:

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

W.A.No.293 of 2023
and
C.M.P. No. 2990 of 2023

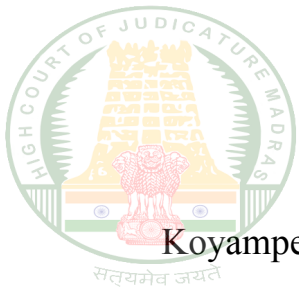
1.The Principal Secretary to Government,
Planning, Development and Special Initiatives (OPI) Department,
Fort St.George, Chennai – 600 009.

2.The Deputy Secretary to Government,
Planning, Development and Special Initiatives (OPI) Department,
Fort St.George, Chennai -600 009.

3.The Additional Chief Secretary to Government,
Planning, Development and Special Initiatives (OPI) Department,
Fort St.George, Chennai -600 009. ... Appellants

Vs.

D.Asokan, (M/54 Yrs)
S/o.V.Dakshinamurthy, Formerly Driver,
Planning, Development & Special Initiative Department,
Fort St.George, Chennai – 9.
Residing at No.74, Poonamallee High Road,



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Koyampedu, Chennai – 600 107.

... Respondent

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PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent against the order passed in W.P. No.19570 of 2020 dated 15.11.2021.

For Appellants : Mr. M. Venkatesan, Special
Government Pleader.

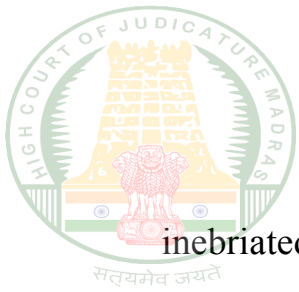
For Respondents : Mr. K. Venkataramani, Senior Counsel
for Mr. M. Muthappan.

J U D G M E N T

(Delivered by Dr. A.D. Maria Clete, J)

This writ appeal is directed against the order dated 15.11.2021 passed by the learned Single Judge in W.P. No.19570 of 2020.

2. The facts, as discernible from the records, indicate that the disciplinary action against the respondent, a driver in the Secretariat, was predicated on the incident dated 16.02.2018, where he, while on duty, reversed a government vehicle and caused damage to multiple parked vehicles. The principal allegation, forming the pith and substance of the disciplinary charges, is that the respondent was in an



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inebriated condition at the time of the incident, in contravention of Rule 21 of the

WEB COIN Tamil Nadu Government Servants' Conduct Rules, 1973.

3. The respondent admitted to having caused the accident, but denied being under the influence of alcohol. He contended that he was unwell the previous day, had consumed cough syrup as prescribed by a medical practitioner, and was experiencing drowsiness as a side effect, which led to the mishap.

4. The Enquiry Officer, relying upon the oral evidence of one Mr. K. Purushothaman (a fellow driver), who stated that he smelt alcohol on the respondent, and on a breath analysis report, held the respondent guilty of the charges. However, the complainant's contemporaneous statement to the police does not allege intoxication, but only attributes negligence to the respondent in reversing the vehicle.

5. The learned Single Judge, after detailed consideration, observed that the oral evidence and breath analysis were insufficient, in the absence of corroborative medical or chemical analysis (e.g., blood test), to conclude that the respondent was



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intoxicated. It was also noted that the Enquiry Officer's findings were rendered without permitting cross-examination of key witnesses, thus affecting the fairness of the enquiry.

6. On these premises, the learned Single Judge came to the conclusion that the charge of intoxication, as required to invoke Rule 21 of the Conduct Rules, was not established. However, the learned Judge did not exonerate the respondent entirely, acknowledging that reporting to duty while under the influence of sedative medication demonstrated a degree of carelessness and irresponsibility on the part of the respondent.

7. The learned Single Judge modified the punishment of dismissal as disproportionate to the proven misconduct. The impugned order was set aside with liberty to the department to recover the cost of repairs from the respondent and directed his reinstatement without back wages, except for continuity of service.

8. We find no reason to differ from the reasoning or the conclusions of the learned Single Judge with proportionality of punishment duly considered.



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9. Accordingly, the writ appeal stands dismissed. No costs. Consequently, the connected Miscellaneous petition is closed.

(R.S.K., J) (A.D.M.C., J)
17.03.2025

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Index: Yes/No

Neutral Citation : Yes / No

Speaking Order / Non-Speaking Order

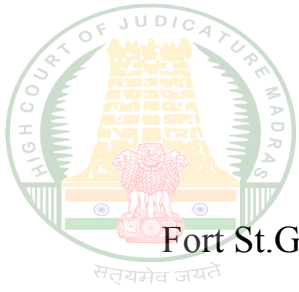
To

1.The Principal Secretary to Government,
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Fort St.George, Chennai -600 009.

3.The Additional Chief Secretary to Government,
Planning, Development and Special Initiatives (OPI) Department,

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Fort St.George, Chennai -600 009.

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4.The Section Officer,
VR Section,
High Court of Madras,
Chennai.

R.SURESH KUMAR, J
and
DR. A.D. MARIA CLETE, J

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