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W.A.No.638 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.07.2025

CORAM :

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR
AND
THE HONOURABLE MR.JUSTICE P. DHANABAL

W.A.No.638 of 2023

1. The Director of Rural Development
and Panchayat Raj, Panagal Building
Saidapet, Chennai – 600 015.

2. The District Collector
Dharmapuri District, Dharmapuri. .. Appellants

Vs.

K.P.Devakrishnan .. Respondent

Prayer: Appeal filed under Clause 15 of the Letters Patent, against
the order dated 01.06.2022 made in W.P.No.32205 of 2015.

For the Appellants : Mr.V.Ravi
Special Government Pleader

For the Respondent : Ms.A.Pramila
for Mr.P.Nethaji

JUDGMENT

(Judgment of the Court was made by R.SURESH KUMAR, J.)

This intra-Court appeal has been directed against the order
passed by the Writ Court dated 01.06.2022 made in W.P.No.32205
of 2015.



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2. That there has been Disciplinary Proceedings against the respondent writ petitioner, where charges have been framed mainly stating that the respondent writ petitioner, by quoting low estimation for demolition work of a Panchayat Union building by colluding with the Chairman and Block Development Officer of the Panchayat Union concerned, has caused a loss of Rs.7 lakhs to the Government.

3. Based on the charges, an enquiry was conducted. The Enquiry Officer, after completing the enquiry, filed a report stating that insofar as the main allegation, with regard to the collusion is concerned, it has not been proved. But, insofar as some charges with regard to the dereliction of duty, it has been held 'proved'. Based on the Enquiry Officer's report, the second show-cause notice has been given, which was replied promptly by the respondent writ petitioner. However, belatedly after three years, the Disciplinary Authority, by the order dated 05.08.2015, has passed an order inflicting the major punishment of stoppage of increment for three years with cumulative effect.

4. Challenging the impugned punishment order dated



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05.08.2025, the respondent writ petitioner had approached the Writ Court by filing the said writ petition.

5. The learned Writ Court, having gone into the facts of the case, has found that when the main allegation or charge against the respondent delinquent is that, he, in collusion with the Chairman and the Block Development Officer of the Panchayat Union concerned, has quoted low estimate for demolition of a Panchayat Union building, thereby, caused a loss to the Government to the extent of Rs.7 lakhs, but, it is very strange to note that neither the concerned Block Development Officer, nor any other staff or officials were even impleaded to the Disciplinary Proceedings to establish the main charge of collusion and moreover, after the enquiry, the Enquiry Officer also has held the charge of collusion 'not proved'. Had there been the charge of collusion not being proved, there would not have been any charge against the respondent writ petitioner, as he could not have caused any loss to the Government to the extent of Rs.7 lakhs.

6. It is also to be noted that the respondent writ petitioner



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alone has been singled out, against whom, enquiry has been initiated by way of Disciplinary Proceedings. This aspect has been considered by the learned Judge and the learned Judge, relying upon several judgments, has concluded that on the ground of discrimination, the entire enquiry or the Disciplinary Proceedings as vitiated.

7. That apart, the delay aspect has also been raised by the writ petitioner delinquent before the Writ Court by quoting the dates, that the enquiry report was made on 20.08.2011 and the show-cause notice was issued on 01.03.2012, calling upon the writ petitioner for further explanation. The writ petitioner had also given his explanation or representation on 14.03.2012 itself, that is within a very shorter possible time of one and a half weeks. However, the Disciplinary Authority had taken his own time of more than three years and passed orders of punishment only on 05.08.2015.

8. This ground, though had been mainly raised by the writ petitioner before the Writ Court, there has been no explanation whatsoever from the employer's side, who is the appellant herein, as to how such an inordinate delay of more than three years has occurred in passing the order of punishment. Therefore, this has



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been considered by the learned Writ Court as inordinate delay by citing some decisions in this regard.

9. These reasons combinedly come together and show that the entire Disciplinary Proceedings initiated against the respondent writ petitioner was not in consonance with the procedure established in law and also is vitiated on the ground of discrimination, non-application of mind, non-speaking order and the delay in concluding the proceedings. All these reasons and grounds, which have been found out by the learned Writ Court against the Disciplinary Proceedings, are to be accepted as there are no *contra* grounds raised or documents produced before the Writ Court.

10. In any Disciplinary Proceedings, when the main charge has been held to be 'not proved', normally, punishment would not be given by the Disciplinary Authority, especially a major punishment. That apart, in the order of punishment dated 05.08.2015, as has been rightly pointed out by the learned Judge, though it runs to several pages, in the last two lines or few lines, the findings of the Disciplinary Authority has been stated that the delinquent, having colluded with the Councilor of the Panchayat Union, has committed wrong, which paved way for Disciplinary



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Proceedings.

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11. It is not at all a charge that he has colluded with the Councilor of the Panchayat Union, but if it is a charge that he has colluded with the Chairman and the Block Development Officer, to that extent, the prosecution could have placed their materials before the Enquiry Officer, based on which, that charge should have been proved. However, when the very collusion charge itself having been considered by the Enquiry Officer and held to be 'not proved', the same cannot be taken in a different form by the Disciplinary Authority by the two line finding that the delinquent has colluded with the Councilor of the Panchayat Union, thereby, he has come to the conclusion that the charge has been proved and therefore, he is liable to be punished. This is a strange finding given by the Disciplinary Authority, which has been rightly pointed out by the learned Judge in the impugned order.

12. We are in full agreement with the views expressed by the learned Judge in coming to such a conclusion against the order impugned before the Writ Court by setting aside the order of punishment awarded against the respondent writ petitioner and we affirm it.



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13. Coming to the relief that has to be given to the respondent writ petitioner is concerned, since the order of punishment has been quashed, no doubt, he is entitled to get the service benefits, including the benefit of promotion, of course, notionally. Had he been given promotion during the time when he was in service and had he worked in the promoted post, no doubt, he would have earned salary in the promoted post. However, since the very punishment itself has been quashed only long after his superannuation, the said benefit could be given only notionally.

14. When such being the case, the respondent writ petitioner would be entitled to get notional service benefits, including promotion. However, based on such notional service benefits including promotion, his pensionary benefits shall be revised from the date of his superannuation and accordingly, his pension shall be correctly fixed and based on which, appropriate pension shall be paid to the respondent writ petitioner, including the arrears of pension from the date of his superannuation till the date of payment.

15. It is also brought to our notice by the learned Special Government Pleader that at the time of superannuation, the DCRG



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amount has already been disbursed. Therefore, insofar as the DCRG amount is concerned, if any revision is required based on the aforesaid order, that can be undertaken, otherwise, the pension revision alone can be undertaken by the appellant Department and the needful shall be done as directed above.

16. To that extent, we clarify the order impugned herein and accordingly, this appeal, since deserves to be dismissed with the aforesaid clarification, stands dismissed. The directions given by the learned Judge through the impugned order, with the aforesaid clarifications, shall be complied with by the appellant Department within a period of three months from the date of receipt of a copy of this order. There shall be no order as to costs. Consequently, C.M.P.No.6271 of 2023 is closed.

(R.S.K., J.) (P.D.B., J)

23.07.2025

Speaking Order/Non-Speaking Order

Index:Yes/No

Internet:Yes/No

Neutral Citation:Yes/No

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R. SURESH KUMAR, J.
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