



WEB COPY



WP.No.34265 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2025

CORAM

THE HONOURABLE MS. JUSTICE R.N.MANJULA

W.P No.34265 of 2019

and

WMP.No.34896 of 2019

R.Raja Ramalingam
S/o R.Ramaswamy Doss

...

Petitioner

/vs/

- 1.The Government of Tamil Nadu,
Rep by the Secretary to Government,
Finance (LF) Department,
Secretariat, Chennai 600 009.
- 2.The Director of Local Fund Audit,
Finance Department Office Complex,
Nandanam, Chennai 600 035.
- 3.The Director of State Government Audit
Finance Department Office Complex,
Nandanam, Chennai 600 035. ...

Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned G.O.(Ms) No.319 fin.(LF) Dept. dt.29.11.2017 passed by the 1st respondent and quash the same and consequently direct the respondents herein to cancel the imposition of cut in the pension of the petitioner at the rate of Rs.300/- P.M. for two years and to promote the petitioner to the post of Deputy Director and then to Joint Director at par with his juniors and to consequently revise his pension terminal benefit etc., and to grant such further or other orders as this Court may deem fit and proper in the circumstances of the case.



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For Petitioner : Mr. R.Damodaran

For Respondents : Mr.Azhizullakhan, G.A for R1
Mr.T.Chezhian, AGP for RR2 & 3

ORDER

This Writ Petition has been filed challenging the orders of the first respondent passed in G.O.Ms.No.319 Fin. (LF) Department dated 29.11.2017 and consequently, seeking direction for the respondents to cancel the imposition of cut in pension of the petitioner at the rate of Rs.300/- p.m. for two years and to promote the petitioner to the post of Deputy Director and then, to Joint Director on par with his juniors and to consequently, revise his pension and terminal benefits etc.

2.Heard Mr. R.Damodaran, learned counsel for the petitioner and Mr.T.Chezhian, learned Additional Government Pleader for the respondents 2 and 3 and Mr.Azhizullakhan, learned Government Advocate for the third respondent and perused the materials available on record.

3. When the petitioner was working as an Assistant Director in the second respondent / Directorate of Local Fund Audit, he was given with the charges



stating that he was negligent and dereliction of duty in the joint sitting held on 19.02.2009 and 20.02.2009 with the Municipal Officers of Tiruvallur District.

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The petitioner has been given with the charges stating that he has deliberately dropped the audit objections.

4. The learned counsel for the petitioner submitted that the enquiry officer has submitted a report stating that all the charges against the petitioner were not proved. When the first respondent who did not have the requisite technical knowledge about the funds of the second respondent, had taken a contrary view to the report of the enquiry officer, basing upon his own presumptions.

5. It is further submitted that the petitioner has not been furnished with the enquiry report in order to enable him to make effective representation. In fact, the impugned order has been passed after five years of his retirement and that too, when the petitioner insisted to dispose the pending disciplinary proceedings. Even when the petitioner was not a decision making authority to drop the objections, the first respondent had not chosen to accept the report of the enquiry officer and recorded that the charges against the petitioner were proved except the charges 5 and 7. In fact, the Deputy Director on whose head, the audit team has sought for

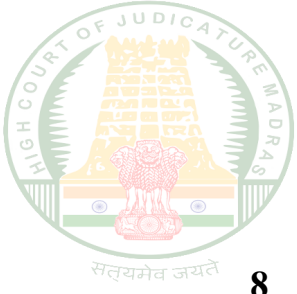


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joint sitting was allowed to retire and he was not given with any charges until his retirement. The petitioner who had just gone with the team has been found fault unnecessarily.

6. As the petitioner was not given with sufficient opportunity by furnishing the enquiry officer's report and the selective punishment has been given only for the petitioner by leaving the Deputy Director, the petitioner has filed this Writ Petition challenging the orders of the first respondent.

7.The learned Additional Government Pleader appearing for the respondents 1 & 2 submitted that the order of appointment has been passed only by considering the request of the petitioner's letter dated 21.09.2019, wherein the petitioner has stated that he can be imposed with the punishment of Rs.300/- per month for two years instead of any other punishment. So only on considering his request, the impugned order has been passed for imposing a minor punishment of cutting Rs. 300 per month from the pension of the petitioner for 2 years, despite disciplinary action being initiated against the petitioner under 17 B charge of the Tamil Nadu Civil Services (D&A) Rules by contemplating that the charges will attract a major penalty.



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8. As the petitioner has not denied his own letter submitted to the respondents on 21.09.2017, which is shown as a reference in the impugned order at Sl. No. 12, I find no reason to interfere with the impugned orders.

In the result, the writ petition is **dismissed**. No costs. consequently, the connected miscellaneous petition is also closed.

04.03.2025

Index : Yes
Internet : Yes/No
jrs



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R.N.MANJULA, J.
jrs

To

- 1.The Government of Tamil Nadu,
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