IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2025

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.2510 of 2024

A.Raja ... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its Secretary,
Finance Department,
Secretariat,
Chennai-600 009.

2.The Principal Secretary to Government,
Finance Department,
Secretariat, Fort St.George,
Chennai-600 009.

3.Commissioner of Treasuries and Accounts,
Amma Campus, 3rd Floor,
Integrated Office Building for Finance Department,
No.571, Anna Salai, Nandanam,
Chennai-600 035.

....Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the order bearing Na.Ka.No.29982/Q2/2018-4 dated 06.04.2022 passed by the third respondent Commissioner of Treasuries and

Accounts, Chennai, as confirmed by the order bearing G.O(2 pa.)No.61 dated 08.09.2023 passed by the second respondent Principal Secretary to Government, Finance Department and quash the same and direct the respondent Authorities to pay the withheld increments for one year with cumulative effect along with the consequential benefits to the petitioner.

For Petitioner : Mr.S.Mahimai Raj

For Respondents : Mr.P.Ganesan
Additional Government Pleader

O R D E R

This Writ Petition has been filed challenging the order bearing Na.Ka.No.29982/Q2/2018-4 dated 06.04.2022 passed by the third respondent, namely, Commissioner of Treasuries and Accounts, Chennai, as confirmed by the order bearing G.O(2 pa.)No.61 dated 08.09.2023 passed by the second respondent, namely, Principal Secretary to Government, Finance Department and for a consequential direction to the respondents to pay the withheld increments for one year with cumulative effect along with the consequential benefits to the petitioner.

2. The petitioner, while working as the Superintendent/Sub Treasury Officer, Bavani, was issued with a charge memo for the dereliction of duty

resulting in loss to the exchequer. On enquiry, charges framed were proved and he was inflicted with the punishment of stoppage of increment for one year with cumulative effect. Aggrieved over the same, the petitioner preferred an appeal before the Appellate Authority, namely, the Principal Secretary to Government. Pending appeal, the Appellate Authority sought for advice only from Tamil Nadu Public Service Commission, the copy of which was provided to the petitioner only after the order was passed by the Appellate Authority. Claiming that the Disciplinary Authority, namely, the third respondent did not consult with the Tamil Nadu Public Service Commission at the first instance before making any order imposing penalty upon the petitioner under Rule 17(b)(ii) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules that only after a delay of more than one year and three months, the second respondent, namely, the Appellate Authority confirmed the order passed by the Disciplinary Authority. The petitioner preferred the writ petition seeking to quash the order passed by the second and third respondents and to direct the respondents to pay the withheld increments for one year with cumulative effect along with consequential benefits.

3. The learned counsel appearing for the respondents submits that the respondents filed a counter affidavit denying the averments made by the petitioner stating that there was embezzlement of Government money by sending fictitious pension payments to the Bank. In this regard, charges were framed against six employees of Sub Treasury including the petitioner. Based on the findings of the enquiry report, the punishment of postponement of increment for one year with cumulative effect was imposed on the petitioner. Subsequently, the appeal filed by the petitioner to the first respondent was also dismissed confirming the conditions imposed by the Disciplinary Authority. It is stated that the petitioner being the responsible officer, did not follow the instructions properly and has not protected his login credentials given to him which led to unauthorized access and misuse by the temporary employee. Since the charges were grave in nature involving lack of supervision and accountability, after thorough enquiry, the petitioner was imposed with the punishment. That apart, the petitioner was given full opportunity to give a written explanation with respect to the charges which were leveled against him. Though the petitioner has contended that the entire amount has been recovered and redeposited into the

Government account, the charges leveled against the petitioner was serious in nature and even during the time of participation of enquiry, he had not claimed any objection. Therefore, he submits that the writ petition has to be dismissed.

4. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

5. It is not in dispute that there was embezzlement of funds at the Sub-Treasury where the petitioner was working as Additional Treasury Officer during the period from 01.10.2016 to 06.02.2017. There was misappropriation by a temporary employee who was assigned with the task of dealing with the monthly pension. A charge memo was issued to the petitioner and other employees in this regard calling for explanation with regard to the charges mentioned against each one of them. Enquiry under Rule 17(b) of the Rules was held for which the petitioner gave his written explanation on 19.04.2021 where he denied all the charges levelled against him. The petitioner denied his involvement in the misappropriation of funds and submits that he was not all fault in any manner whatsoever. Subsequently, by order dated 16.08.2021, enquiry was proposed to be

conducted against the petitioner and six other officers. The petitioner appeared in person on 07.10.2021 before the Enquiry Officer and denied all the charges leveled against him. Thereafter, a Police complaint was allowed against the said temporary employee and after investigation, Sivakumar admitted the fact of misappropriation done by him and undertook to re-deposit the entire amount. Subsequently, the said Sivakumar has re-deposited the entire amount misappropriated by him. The petitioner was given further opportunity to give his representation to the Enquiry Officer on 11.01.2022, failing which, he had submitted another representation on 08.02.2022 and sought for dropping of proceedings against him. However, based on the enquiry report, the charges against the petitioner was proved and he was imposed with the punishment of stoppage of increment for one year with cumulative effect. Aggrieved by the same, the petitioner filed appeal before the second respondent, namely, the Principal Secretary to Government, Chennai, where also punishment was confirmed. Though the petitioner has claimed several grounds with respect to his involvement in the misappropriation of funds, it cannot be stated that the petitioner can be let loose of the offence committed as he was responsible officer in the treasury and cannot give away his login credentials to a temporary employee without supervision. That apart, he also cannot plead that the amount was misappropriated and was re-deposited by the temporary employee and therefore, he must be discharged from the charges. This cannot be an acceptable one even for arguments sake. The petitioner being the responsible officer of the Treasury, has to be vigilant and upheld the integrity of his office and he cannot blame on others that too when such grave charges are leveled against him. In fact, the punishment itself is a meagre one imposed on him. This Court does not find any reason to interfere with the findings recorded by the Disciplinary Authority as well as the Appellate Authority.

6. Accordingly, this Writ Petition is dismissed. There shall be no order as to costs.

03.12.2025

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No
ssb

To

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Finance Department,
Secretariat,
Chennai-600 009.

2.The Principal Secretary to Government,
Finance Department,
Secretariat, Fort St.George,
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M.DHANDAPANI, J.

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