THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.07.2025

CORAM:

THE HONOURABLE MR. JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR. JUSTICE K.SURENDER

W.A.No.1812 of 2025
and
C.M.P.No.13799 of 2025

1.The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Finance (T&A) Department,
Secretariat, Chennai – 9.

2.The Director of Treasuries & Accounts,
Chennai – 15. ... Appellants

Vs.

J.Kalyani ... Respondent

Prayer: Writ Appeal filed under Clause 15 of Letters Patent, praying to set aside the order dated 29.11.2023 made in W.P.No.12295 of 2012 and allow the present Writ Appeal.

For Appellants : Mr.T.Chandrasekarna, Spl.GP

For Respondent : Mr.M.Ravi

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JUDGMENT

(Judgment of the Court was delivered by R.SUBRAMANIAN, J.)

Challenge is to the order of the writ Court dated 29.11.2023 made in W.P.No.12295 of 2012.

2. The respondent who was working in the Treasury was charge sheeted under Rule 17B of the Tamil Nadu Civil Service (Discipline and Appeal) Rules. An enquiry officer was appointed and the enquiry officer returned a finding to the effect that there had been some irregularities, which has not been established that they have been done willingly or with an intention to cause loss to the exchequer. Accepting this enquiry report a second show cause notice was issued, in which it was stated that the enquiry officer had returned a finding that the charges have been proved. On the basis of which a punishment of stoppage of increment with cumulative effect for the remaining period of her service viz., 21 months was imposed and 20% of the loss allegedly caused to the State Exchequer was directed to be recovered in 21 equal instalments.

3. Upon challenge, the writ Court concluded that there was a delay in conducting the enquiry and that the enquiry officer report itself was not clear and categorical. The writ Court also found that the second show cause notice issued to the effect that the enquiry officer had found the respondent guilty of all charges was also flawed. On the above conclusion the learned Single Judge allowed the Writ Petition setting aside the punishment and directed refund of the amount recovered from her salary. Consequently, a direction for promotion was also issued. Aggrieved, the Government is on appeal.

4. We have heard Mr.T.Chandrasekaran, learned Special Government Pleader for the appellants and Mr.M.Ravi, learned counsel for the respondent caveator.

5. In order to satisfy ourselves regarding the conclusion of the learned Single Judge, we had required the Special Government Pleader to produce the enquiry report. We have perused the enquiry report and we find that the conclusions of the learned Single Judge are just and proper. The enquiry officer though had said that there were some delinquency in the part of the charged officer, but, none of them have been proved to have been done with an intention to cause loss to the exchequer. On the basis of this report without even disagreeing with the report, a second show cause notice was issued as if the enquiry officer has found that all the charges have been proved. This, in our considered opinion, vitiates the entire disciplinary proceedings conducted against the charge sheeted officer.

6. We therefore see no ground to interfere with the order of the writ Court. The Writ Appeal fails and it is accordingly **dismissed**. The Government is granted eight (8) weeks time from the date of receipt of a copy of this order to comply with the directions of the learned Single Judge. No costs. Consequently, the connected miscellaneous petition is closed.

(R.S.M.,J.) **(K.S.,J.)**
15.07.2025

dsa

Index : No

Neutral Citation : No

Speaking order

To

1.The Principal Secretary to Government,
The State of Tamil Nadu,
Finance (T&A) Department,
Secretariat, Chennai – 9.

2.The Director of Treasuries & Accounts,
Chennai – 15.

R.SUBRAMANIAN, J.
and
K.SURENDER, J.

dsa

W.A.No.1812 of 2025

15.07.2025