



WEB COPY

W.P.No.1027 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.No. 1027 of 2025
and
W.M.P.No.1279 of 2025

K.Kalaivani

...Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Secretary,
Home (Courts) Department,
Fort St.George,
Chennai - 600 009.

2.The Registrar (General),
Madras High Court,
Chennai - 104.

3.The Principal District Judge /
Disciplinary Authority,
Kancheepuram at Chengalpattu.

...Respondents

Prayer: Writ Petition filed under 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the orders of the 3rd respondent made in ORDER:A.No.550/2018 D.No.2099/A/2020 dated 13.05.2020 as confirmed by the 2nd respondent in ORDER:ROC.No.128466/2021/C1 dated 18.12.2023, to quash the same and



WEB COPY

W.P.No.1027 of 2



to consequently direct the respondents to reinstate the petitioner back in service with all benefits both service and monetary arising thereto.

For Petitioner : Mr.L.Chandrakumar

For Respondents : Mr.S.John J.Raja Singh

Additional Government Pleader for R1

Mr.S.Arjun Suresh for R2 & R3

ORDER

(Order of the Court was made by R.SUBRAMANIAN, J.)

We see no merit in the writ petition.

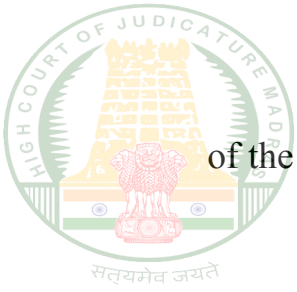
2. The petitioner was accused of insubordination and departmental proceedings were launched against her. Almost four charges were framed against her and after enquiry, the Enquiry Officer found that she was guilty of insubordination and that she had violated Rule 20 of the Tamil Nadu Government Servant Conduct Rules, 1973. The findings were accepted by that Disciplinary Authority and a punishment of dismissal from service were imposed. Aggrieved, the petitioner filed a writ petition in W.P.No.16915 of 2020. The said writ petition was dismissed with liberty to file an appeal before the Appellate Authority. After dismissal of the writ petition, she has filed another writ petition in W.P.No.14828 of 2021 with an identical prayer. The second writ petition was also dismissed reserving liberty to the



petitioner to file an appeal. Thereafter, the petitioner filed an appeal before the Appellate Authority which came to be dismissed. The dismissal of the appeal had resulted in the instant writ petition.

3. Mr.L.Chandrakumar, learned counsel appearing for the petitioner would vehemently contend that it is because of some other untoward incident, the petitioner refused to go to the house of the Judicial Officer. The Enquiry Officer as well as the Appellate Authority have recorded factual findings to the effect that the petitioner did not chose to accuse the Judicial Officer of improper behaviour, till such time she was suspended. Only after suspension, did she take the weapon of improper behaviour, only to escape from the consequences of her insubordination.

4. The Enquiry Officer and the Appellate Authority have found that the petitioner has refused to work in the residence of the Judicial Officer and claimed that her appointment being to the post of Office Assistant, she would work only in the Office namely, Court and she will not work in the residence of the Judicial Officer. The duties of an Office Assistant appointed in the judiciary have been clarified by this Court in a judgment and it was held that the work of an Office Assistant includes the work at the residence



of the Judicial Officers also.

WEB COPY 5. The boogie of sexual harassment is sought to be raised as a defence only when the petitioner find herself cornered and left high and dry without any further explanation for her behaviour and refusal to work in the residence of the Judge. Having taken up the job as an Office Assistant, the petitioner is expected to do work that is assigned to her. Having failed to do so and refusing to attend the work at the residence of the Judicial Officer, the petitioner cannot be allowed to raise new contentions at the time of enquiry with view to stay afloat. The departmental enquiry has been conducted and the disciplinary authority has accepted the findings of the Enquiry Officer.

6. This Court sitting under Article 226 cannot re-appraise the evidence and come to a different conclusion, particularly in disciplinary proceedings, unless it is shown that the conclusion is perverse or that there were some procedural infirmity which denied fair opportunity to the petitioner, interference is not possible. This Writ Petition therefore, fails and it is accordingly, **dismissed**. No costs. Consequently, connected miscellaneous petition is closed.



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W.P.No.1027 of 2

(R.S.M., J.) (G.A.M., J.)

20.03.2025

WEB COPY

Internet: No

Index: No

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Neutral Citation : No

To:

1.The Secretary,
State of Tamil Nadu,
Home (Courts) Department,
Fort St.George, Chennai - 600 009.

2.The Registrar (General),
Madras High Court,
Chennai - 104.

3.The Principal District Judge /
Disciplinary Authority,
Kancheepuram at Chengalpattu.

R.SUBRAMANIAN, J.
and
G.ARUL MURUGAN, J.

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WEB COPY

W.P.No.1027 of 2



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