



W.P.No.31432 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2025

CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P.No.31432 of 2018
and W.M.P.No.36624 of 2018

Dr.V.Vaidyanathan
Assistant Professor,
Department of Economics,
Periyar University,
Salem – 636 011
3/309, Bhuvaneshwari Nagar,
Opp. to Gayathri Higher Secondary School,
Sithanoor,
Salem – 636 302.

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Higher Education Department,
EVK Sampath Building,
College Road,
Chennai – 600 006.

2. The Periyar University,
Rep. by its Registrar,
University Campus,
Periyar Palkalai Nagar,
Salem – 636 011.

... Respondents



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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of Writ of certiorarified mandamus calling for the records of the impugned order of the 2nd respondent dated 8.10.2018 in P.No.PU/R/Estt.D1/011701/AGP/2018 imposing a punishment of cadre reduction from AGP(Annual Grade Pay) Rs.8,000/- to AGP Rs.7,000/- with effect from 29.9.2018 along with the orders dated 11.10.2018 treating the period of suspension partly as spent on available leave and partly as leave on loss of pay and the order dated 22.10.2018 cancelling the annual increment granted with effect from 1.4.2018 and quash the same as illegal and direct the 2nd respondent to treat the period of suspension from 4.4.2017 to 20.11.2017 as spent on duty with all attendant benefits and to pay the amounts deducted from the petitioner's salary from October, 2018 and pay him all attendant benefits that he is entitled to with arrears from October, 2018.

For Petitioner	:	Mr.A.Arulmozhi
For R1	:	Mr.S.Arumugam Government Advocate
For R2	:	Mr.P.Godson Swaminathan for M/s.Isaac Chamber

ORDER

This writ petition has been filed challenging the impugned order of the



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2nd respondent dated 8.10.2018 passed in P.No.PU /R / Estt.D1 / 011701 / AGP / 2018, imposing the punishment of cadre reduction from AGP(Annual Grade Pay) Rs.8,000/- to AGP Rs.7,000/- with effect from 29.9.2018 along with the orders dated 11.10.2018 treating the period of suspension partly as spent on available leave and partly as leave on loss of pay and the order dated 22.10.2018 cancelling the annual increment granted with effect from 1.4.2018 and consequently to direct the second respondent to treat the period of suspension from 4.4.2017 to 20.11.2017 as spent on duty with all attendant benefits and to pay the amounts deducted from the petitioner's salary from October, 2018 and pay him all attendant benefits that he is entitled to along with arrears from October, 2018.

2. Mr.A.Arulmozhi, the learned counsel for the petitioner, submitted that the charges against the petitioner are vague and no definite charge has been made out in the charge sheet; the charges only state about the rules and it does not state what kind of acts done by the petitioner constitute a charge; except charge No.2, all other charges are just vague or reproduction of the rules; the petitioner had already sent a complaint to DVAC by making allegations of some irregularities committed in the University and the same has been forwarded by the Government to the Registrar of the University to conduct an enquiry; even



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without doing that the petitioner has been alleged for having given false allegations which is without any basis.

2.1 The charge is not specific about the alleged publication given by the petitioner however the petitioner has denied that he did not give any information for publishing it in a tamil daily “Dinamalar”, Trichy edition; among the two witnesses examined, one witnesses is from the journal and the second witness is the Registrar of the University; both the witnesses have not stated anything incriminating the petitioner that he is the one who had given the false information for the news to be published; the second witness is an interested witness as he is the Registrar of the University who had issued the charge sheet and appointed the Inquiry Officer on behalf of the university; as the Registrar is the authority of the University, he has powers to influence the Syndicate.

2.2 When there is no evidence, the petitioner ought not to have been found guilty and the findings of the Inquiry Officer is perverse. The second respondent cannot act as a Judge of his own cause. These irregularities will vitiate the proceedings and hence the punishment is liable to be set aside.



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3. Mr.S.Arumugam, the learned Government Advocate, submitted that the Registrar is a recording secretary and not a member of the syndicate which takes decision; in view of the wrong determination of leave on loss of pay, it has been rectified and it is not an order of punishment; so far as the inquiry report is concerned, all the four charges are proved; there is no violation of procedure; the petitioner's grade pay was reduced in tune with the order of punishment imposed on him; the period for which the petitioner was under suspension was regularized by deducting the earned leave available in his credit and for the excess period as loss of pay; hence the petitioner cannot call it as double punishment.

4. Despite the petitioner had chosen to challenge the impugned order which was an order enforcing the punishment already imposed on him consequent to the enquiry report, he did not choose to challenge the inquiry report or the order of punishment. Just because the Registrar who represent the University as one of the front authorities to represent the University and issues the proceedings on behalf of the University, it cannot be considered that the Registrar himself has taken decision and that he is the authority who can influence the syndicate. For the reasons best known to the petitioner, he did not



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chose to challenge the inquiry report or the order of punishment. So the legal

points raised by the petitioner with regard to the lack of authority on the part of the second respondent does not assume any relevance.

5. Since the petitioner did not have sufficient leave in his Earned Leave credit by way of regularizing the period for which he was kept under suspension, the order has been passed to treat the remaining period after adjusting the part of the period under suspension was treated as 'leave on loss of pay'. So the petitioner cannot consider the regularization of his period of suspension as an another appointment for the same allegation.

6. The petitioner has filed this writ petition just challenging the consequential order of implementing the punishment without choosing to challenge the order of punishment or the enquiry report where he was found guilty of the charges. Hence, the submission made by the learned counsel for the petitioner on the inadequate benefits cannot be dealt in the manner in which the relief is sought.

7. As the petitioner did not make out any legal grounds to quash the impugned order, I do not find any reason for interference. Hence, the Writ



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Petition is liable to be dismissed.

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8. Accordingly, this writ petition is dismissed. No costs. Connected miscellaneous petition is closed.

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Index : Yes/No

Neutral citation : Yes/No

Speaking Order/Non-Speaking Order
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To:

1. The Secretary to Government,
State of Tamil Nadu,
Higher Education Department,
EVK Sampath Building,
College Road,
Chennai – 600 006.



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R.N.MANJULA, J.

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