



W.A(MD)No.2001 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 24.07.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

**W.A(MD)No.2001 of 2025
and
C.M.P(MD)No.11591 of 2025**

1.The Principal Secretary Corporation,
Food and Consumer Protection Department,
Tamil Nadu Government,
Chennai.

2.The Registrar of Co-operative Societies,
175, Periyar EVR High Road,
Kilpauk, Chennai.

3.The Joint Registrar of
Co-operative Societies,
Medical College Road,
Thanjavur – 613 007.

... Appellants /
Respondents

Vs.

S.Selvi

... Respondent /
Writ Petitioner

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order dated 10.09.2024 passed in W.P(MD)No.13696 of 2017 on the file of this Court.



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For Appellants : Mr.N.Ramesh Arumugam
Government Advocate

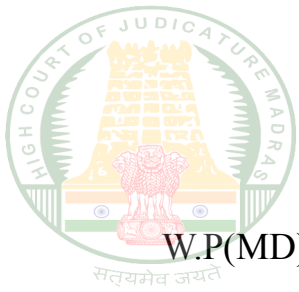
For Respondent : Mr.D.Shanmugaraja Sethupathy

JUDGMENT

(By G.R.SWAMINATHAN, J.)

Heard both sides.

2.The writ petitioner joined service on 15.06.1992 in the Tamil Nadu Co-operative department. While she was working as CSR/Field Officer, she was appointed as Enquiry Officer on 26.12.2005 under Section 81 of the Tamil Nadu Co-operative Societies Act, 1983 to enquire into the affairs of Alakkudi Primary Agricultural Co-operative Credit Society Limited, Thanjavur. She submitted an adverse report against the Society concerned. However, according to the department, the writ petitioner failed to take into account cash balance to the tune of Rs.1,94,085.70. Hence, charge memo dated 27.09.2011 was issued. The writ petitioner filed reply. An enquiry officer was appointed on 21.01.2013. The enquiry officer vide report dated 27.06.2013 concluded that the writ petitioner was guilty of the charge. She was eventually awarded the punishment of withholding of three months increment with cumulative effect. She filed appeal which was also dismissed on 18.04.2017. Aggrieved by the same,



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W.P(MD)No.13696 of 2017 was filed. The learned single Judge vide order

dated 10.09.2024 disposed of the Writ Petition in the following terms:

11. In the result, the punishment imposed on the petitioner under the impugned order, dated 04.12.2013, passed by the third respondent, is modified to withholding of three months increment without cumulative effect instead of withholding of three months increment with cumulative effect and the petitioner is permitted to give a representation to the third respondent seeking for monetary benefits, which she has lost on account of the punishment of withholding of three months increment with cumulative effect imposed on her under the impugned order and the subsequent modification by this Court to one of punishment of withholding of three months increment without cumulative effect within a period of two weeks from the date of receipt of a copy of this order. On receipt of the said representation, the third respondent shall pass final orders on merits and in accordance with law within a period of twelve weeks thereafter.”

Challenging the aforesaid order, the State has filed this Writ Appeal.

3.The learned Government Counsel for the appellant reiterated all the contentions set out in the memorandum of grounds of this writ appeal. He submitted that the writ petitioner is estopped from contending that documents



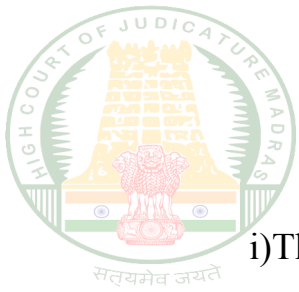
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WEB COPY were not furnished to her as the plea was not taken by her anytime during the course of the disciplinary proceedings. He further contended that the punishment imposed by the disciplinary authority is not so shockingly disproportionate so as to warrant interference by this Court. He called upon this Court to set aside the order of the learned Single Judge and allow this writ appeal.

4.Per contra, the learned counsel appearing for the writ petitioner submitted that the learned Single Judge rightly modified the punishment and that interference with such well-reasoned order was not warranted.

5.We carefully considered the rival contentions and went through the materials on record. The question that calls for consideration is whether the learned Single Judge was justified in modifying the punishment imposed on the disciplinary authority.

6.The learned Single Judge took note of two significant aspects while modifying the punishment imposed on the writ petitioner:



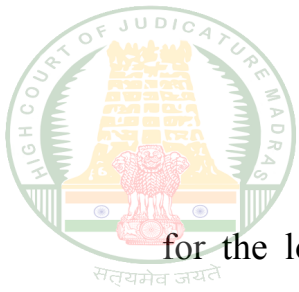
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i)The documents sought for the by the writ petitioner in the enquiry proceedings through her letter dated 16.07.2012 were not furnished to her.

ii)The disciplinary authority failed to note the fact that the surcharge proceedings were dropped against the writ petitioner.

7.It is not the case of the appellants herein that the documents sought for by the writ petitioner were furnished to her and that there was no violation of principles of natural justice. It is their specific case that since the writ petitioner did not seek furnishing of documents during the entire course of the disciplinary proceedings, she was estopped from taking that ground before the writ court. This argument falls flat on account of the letter dated 16.07.2012 submitted by the writ petitioner. We went through the contents of the said letter. She has sought for six documents for the purpose of putting forth an effective defence to the charge memo dated 27.09.2011 and had also undertaken to bear the necessary expenses in this regard. In fact, the enquiry officer also recorded that the documents sought for by the petitioner were not available. We are of the view that there has been a clear violation of principles of natural justice.

8. In the surcharge proceedings dated 04.08.2011, Thiru P.Victor, Thiru S. Ilangovan and Thiru S.Chandrasekaran have been held to be jointly responsible



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for the loss to the tune of Rs.1,94,085.70 The Hon'ble Supreme Court has

repeatedly held that in a rare and appropriate case, to shorten litigation and for exceptional reasons to be recorded in writing, a High Court may substitute the punishment imposed on the delinquent. (vide ***Bhupinderpal Singh Gill v. State of Punjab, 2025 SCC OnLine SC 113***).The writ petitioner has already retired from service. The cause of action arose way back in the year 2005. No malafides or corrupt motives have been attributed to her. The learned Single Judge has assigned convincing reasons for modifying the punishment. There is no merit in this Appeal.

9.This Writ Appeal stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

[G.R.S., J.] [K.R.S., J.]
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