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W.A.(MD)NO.210 OF 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.08.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

W.A.(MD)No.210 of 2020

C.Sadasivam

... Appellant

Vs.

1. The Secretary to the Govt. of Tamilnadu,
Animal Husbandry and Fisheries Department,
Chennai – 600 009.

2. The Director of Fisheries,
Chennai – 600 006.

... Respondents

Prayer: Writ appeal filed under Clause 15 of the Letters Patent, to allow the writ appeal and set aside the order passed by this Court in W.P.(MD)No.601 of 2014 dated 19.12.2019.

For Appellant : Mr.J.Jeyakumar

For Respondents : Mr.A.Kannan,
Additional Government Pleader.

* * *

**JUDGMENT**

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Heard both sides.

2. The appellant herein was working as a Special Officer of a Co-operative Society in Pudukkottai District. Disciplinary proceedings were initiated against him. Charge memo dated 06.04.2004 was issued against the appellant. It contained as many as seven articles of charge. Enquiry was conducted. Adverse finding was rendered in respect of most of the charges. After getting the writ petitioner's further representation, the disciplinary authority imposed the punishment of stoppage of increment for a period of three years with cumulative effect. The order of the disciplinary authority was challenged by the appellant before the Government. The Government vide G.O.(D).No.208 dated 01.10.2013 dismissed the appeal. Assailing the same, the appellant filed W.P.(MD)No.601 of 2014. The learned single Judge vide order dated 19.11.2019 dismissed the writ petition in the following terms:-

“5.The petitioner was the Special Officer in a Fishermen Cooperative Society. From the charges it is seen that the petitioner is



accused of misappropriation of a huge amount which was meant to be disbursed to the members of the Fishermen Cooperative Society. The fund that was misappropriated was allotted by the National Fishermen Savings cum Relief Fund. Stating that the fund that was received from the National Fishermen Savings cum Relief Fund was misappropriated by the petitioner by creating false records, the first charge was held to be proved. Similarly, the petitioner was also charged for temporary misappropriation of huge sum vide Charge Nos.3 and 4. The petitioner had full opportunity before the Enquiry Officer to substantiate his case that the amount allegedly misappropriated by the petitioner has been accounted. The petitioner's version that one Manoharan who had issued receipts acknowledging the receipt of money from the petitioner has stolen the receipts from the petitioner was not believed by the enquiry officer as well as by the disciplinary authority.

6.Having regard to the nature of charges and the proof for such serious charges against the petitioner, the punishment awarded to the petitioner is only an increment cut for a period of three years with cumulative effect. The fact that the petitioner has been found guilty of temporary misappropriation is also supported by materials and the petitioner has not demonstrated before this Court as to how the finding of enquiry officer or disciplinary authority are erroneous. Having regard to the scope of judicial review, this Court has no reason to interfere with the order of punishment passed by the second respondent and confirmed by the first respondent."



Aggrieved by the same, this writ appeal has been filed.

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3. After carefully considered the rival contentions, we are of the view that the order of the learned Judge has to be confirmed. This is a matter involving disciplinary action. It is not the case of the appellant that principles of natural justice were not complied with. Therefore, the Division Bench would be loathe to re-appreciate the factual matrix.

4. After the disciplinary authority imposed the punishment, the appellate authority also went into the issue and confirmed the said order. The learned single Judge has also declined to interfere. In these circumstances, it may not be open for this Court to interfere. We also notice that the punishment imposed on the appellant is rather lenient. Interference with the said order is not warranted. This writ appeal stands dismissed. No costs.

(G.R.SWAMINATHAN, J.) & (K.RAJASEKAR, J.)

12th August 2025

NCC : Yes / No

Index : Yes / No

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G.R.SWAMINATHAN, J.

AND

K.RAJASEKAR, J.

PMU

To:

1. The Secretary to the Govt. of Tamilnadu,
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Chennai – 600 009.
2. The Director of Fisheries,
Chennai – 600 006.

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