



W.A.(MD)No.667 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 20.06.2025

CORAM

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

**W.A.(MD)No.667 of 2024
and
C.M.P.(MD)No.4851 of 2024**

S.Ramesh Kumar

... Appellant

Vs.

1.The Additional Chief Secretary to the Government,
Labour Welfare and Skill Development Department,
Secretariat, Chennai - 600 009.

2.The Director of Employment and Training,
Guindy, Chennai - 600 032.

... Respondents

Prayer : Writ Appeal filed under Clause XV of Letters Patent, to allow the writ appeal by setting aside the order passed in W.P.(MD).No.16131 of 2023 dated 18.10.2023 on the file of this Court.

For Appellant : Mr.P.Valliappan, Senior Counsel,
For Mr.P.Thiagarajan.

For Respondents : Mr.N.Satheeshkumar,
Addl. Government Pleader.



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JUDGMENT
(By G.R.SWAMINATHAN, J.)

Heard both sides.

2.The appellant / Ramesh Kumar was working as Deputy Director of Industrial Training. He filed the counter affidavit in W.P.(MD)No.21103 of 2017 filed by one Ganesan. In paragraph No.12, he had stated that the selection committee had issued selection order in favour one S.Karthikeyan, a physically challenged individual and one Ramalakshmi coming under SC(A) (Priority) category. Actually, Karthikeyan alone was the selected candidate and not Ramalakshmi. Taking a cue from this averment found in the counter affidavit filed by the appellant herein, Ramalakshmi filed W.P.(MD)No.9996 of 2018. It then came to be known that including the name of Ramalakshmi as one of the selected candidates was inadvertent and that she was not actually selected. Therefore, her writ petition was dismissed on 21.12.2021. The learned Single Judge who dismissed the writ petition initially took a stern view of the mistake committed by the appellant herein. But ultimately



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decided to accede to the plea of the learned Special Government Pleader that the appellant had made a genuine mistake and allowed the matter to lie. Even though, the learned Single Judge had given a quietus to the matter, the department decided to pursue the appellant. Show cause notice was issued and punishment of stoppage of increment for a period of one year without cumulative effect came to be passed on 16.12.2021 by the Director of Employment and Training, Guindy, Chennai. Challenging the same, the appellant filed an appeal before the government. The government enhanced the punishment to stoppage of increment for a period of three years with cumulative effect. Questioning the same, the appellant filed W.P.(MD)No.16131 of 2023. The learned Single Judge dismissed the writ petition on 18.10.2023. Aggrieved by the same, this writ appeal has been filed.

3.As rightly pointed out by the learned senior counsel for the appellant, a government employee can be proceeded against only for misconduct. The term “misconduct” has been interpreted by the Hon'ble Supreme Court in the decision reported ***AIR 1979 SC 1022 (Union of India Vs. J.Ahmed)*** as follows:-



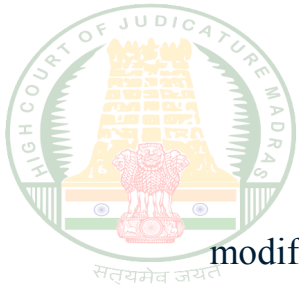
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“ 11. A single act of omission or error of judgment would ordinarily not constitute misconduct though if such error or omission results in serious or atrocious consequences the same may amount to misconduct as was held by this Court in [P. H. Kalyani v. Air France, Calcutta](#)(5), wherein it was found that the two mistakes committed by the employee while checking the load-sheets and balance charts would involve possible accident to the aircraft and possible loss of human life and, therefore, the negligence in work in the context of serious consequences was treated as misconduct. It is, however, difficult to believe that lack of efficiency or attainment of highest standards in discharge of duty attached to public office would ipso facto constitute misconduct. There may be negligence in performance of duty and a lapse in performance of duty or error of judgment in evaluating the developing situation may be negligence in discharge of duty but would not constitute misconduct unless the consequences directly attributable to negligence would be such as to be irreparable or the resultant damage would be so heavy that the degree of culpability would be very high.”

4. Even the learned Single Judge had observed that the appellant had made an innocent mistake. That should have given quietus to the entire issue. However, taking note of the fact that the appellant had made an erroneous statement in his counter affidavit, we modify the punishment to one of “censure”. The impugned orders are accordingly



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modified and the writ appeal is partly allowed. No costs. Consequently,
connected miscellaneous petition is closed.

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(G.R.S. J.) & (K.R.S. J.)
20.06.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:

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