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W.P.(MD) No.3809 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.09.2025

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD) No.3809 of 2021

and

W.M.P.(MD) No.3026 of 2021

M.Elangovan

... Petitioner

-VS-

The Chairperson cum
Managing Director
Tamilnadu Handloom and
Handicrafts Development
Corporation Limited
Chennai

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus to call for the records pertaining to the impugned proceedings issued by the respondent in Na Ka No.1805/Pani/19 dated 11.09.2020 and quash the same and consequently directing the respondent to reinstate the petitioner into service and regularise his services.

For Petitioner : Mr.B.Jameel Arasu

For Respondent : Mr.S.S.Madhavan
Additional Government Pleader



W.P.(MD) No.3809 of 2021

WEB COPY

ORDER

This writ petition has been filed challenging the impugned order dated 11.09.2020, passed by the respondent, removing the petitioner from service based on the findings rendered by the Enquiry Officer in the disciplinary proceedings initiated against him.

2. In the disciplinary proceedings, ten count of charges were framed against the petitioner involving misappropriation of funds. The petitioner was serving as an Assistant Manager in the respondent – Corporation and he was responsible for collecting payments from the respondent's customers and remitting the same into the bank account of the respondent. The respondent found various irregularities on the part of the petitioner and found that he had misappropriated funds, which ought to have been deposited by him into the bank account of the respondent – Corporation. However, according to the respondent, as seen from the charges framed against the petitioner, he misappropriated the funds and has not remitted the monies received by him from the respondent's customers and deposited the same on time into the bank account of the respondent. An Enquiry Officer



W.P.(MD) No.3809 of 2021

WEB COPY

was appointed and the petitioner also participated in the enquiry. The Enquiry Officer, based on the materials available on record, after providing an opportunity of hearing to the petitioner, has sent a detailed report to the Disciplinary Authority and as seen from the enquiry report, the petitioner has been found guilty of all the charges framed against him in the disciplinary proceedings. The petitioner had also submitted an explanation to the enquiry report. However, the respondent found the same unsatisfactory and proceeded to pass the impugned order dated 11.09.2020 removing the petitioner from service. Aggrieved by the same, this writ petition has been filed.

3. Though this writ petition is filed in the year 2021 and the impugned order is dated 11.09.2020, the petitioner did not have the benefit of any interim order from this Court protecting his interest to continue in service. This Court, in this order, has also taken into consideration the said fact. Even on merits, this Court is of the considered view that the petitioner has not made out a case for interfering with the impugned order for the following reasons:



W.P.(MD) No.3809 of 2021

WEB COPY

(a) In the enquiry proceedings, the findings of the Enquiry Officer are detailed hereunder:

- (i) The petitioner has misappropriated both in receipt of advances from the customers as well as adjusting the advance amount.
- (ii) The petitioner has paid wages to the piece-rate workers on his own to the satisfaction of his whims and fancies and thereby, created financial loss to the respondent – Corporation.
- (iii) The petitioner has kept idle the raw materials and the metals without using the same for years together and thereby, caused production loss to the respondent – Corporation.
- (iv) The petitioner has himself sold the products on his own to his known customers, but the credit amount was not collected resulting in accumulation of arrears and creating financial burden to the respondent – Corporation.



W.P.(MD) No.3809 of 2021

WEB COPY

(b) The petitioner cannot equate his case with that of Ms.Sangeetha, Accountant, who is also charged with the same set of charges in the disciplinary proceedings. But, the punishment imposed on her was only stoppage of increment with cumulative effect for a period of three years for the following reasons:

- (i) The petitioner is an Assistant Manager, who has been working with the respondent – Corporation for several years prior to the passing of the impugned order removing him from service.
- (ii) Ms.Sangeetha was recently appointed and she was only an Accountant, whereas the petitioner is a superior officer, who is actually responsible for the conduct of the respondent's business.
- (iii) Ms.Sangeetha was a new recruit in the Accounts branch and she may not be aware of the consequences of the transactions in the respondent – Corporation and only on that ground, a lesser punishment was imposed on her.



W.P.(MD) No.3809 of 2021

WEB COPY

4. Since the petitioner is also not having the benefit of any interim order protecting his service, after passing of the impugned order, in the year 2020, this Court cannot entertain this writ petition on the ground of violation of the principles of natural justice by remanding the matter back to the respondent for fresh consideration at this belated stage when a categorical finding has been rendered that the petitioner is guilty of the charges levelled against him and since the charges have been proved and the petitioner is found to be guilty of misappropriation of funds of the respondent – Corporation.

5. Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

25.09.2025

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

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Page 6 of 8



W.P.(MD) No.3809 of 2021

WEB COPY

To:
The Chairperson cum
Managing Director,
Tamilnadu Handloom and
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W.P.(MD) No.3809 of 2021

ABDUL QUDDHOSE, J.

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