



W.A(MD) Nos.509 of 2023 & 451 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 11.06.2025

CORAM

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

W.A(MD) Nos.509 of 2023

&

W.A.(MD)No.451 of 2025

&

C.M.P.(MD)No.5212 of 2023

W.A.(MD)No.509 of 2023

1.The State of Tamil Nadu

**Rep. by its Principal Secretary to Government,
Home (Police.V) Department,
Secretariat,
Chennai-9.**

**2.The Director General of Police,
Mylapore, Chennai 600 004.**

**3.The Deputy Inspector General of Police,
Railways, Chennai-8.**

**4.The Superintendent of Police,
Railways, Trichy,
Trichy District.**

... Appellants / Respondents

Vs

P.Sujatha

... Respondent / Writ Petitioner

1/9



W.A(MD) Nos.509 of 2023 & 451 of 2025

WEB COPY

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 04.03.2022 made in W.P.(MD)No. 16787 of 2018 and allow the writ appeal.

For Appellants : Mr.N.Satheeshkumar
Additional Government Pleader

For Respondent : Mr.V.R.Shanmuganathan

W.A.(MD)No.451 of 2025

P.Sujatha

... Appellant / Petitioner

Vs

1.The State of Tamil Nadu
Rep. by its Principal Secretary to Government,
Home (Police.V) Department,
Secretariat,
Chennai-9.

2.The Director General of Police,
Mylapore, Chennai 600 004.

3.The Deputy Inspector General of Police,
Railways, Chennai-8.

4.The Superintendent of Police,
Railways, Trichy,
Trichy District.

... Respondents / Respondents



W.A(MD) Nos.509 of 2023 & 451 of 2025

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order insofar as modification of punishment as censure made in W.P.(MD).16787 of 2018, dated 04.03.2022 on the file of this Court.

For Appellant : Mr.V.R.Shanmuganathan

For Respondents : Mr.N.Satheeshkumar
Additional Government Pleader

COMMON ORDER

(Order of the Court was made by **G.R.SWAMINATHAN, J.**)

These two writ appeals are directed against the order dated 04.03.2022 made in W.P.(MD)No.16787 of 2018 filed by Mrs.Sujatha appellant in W.A.(MD)No.451 of 2025. Mrs.Sujatha was working as an Assistant in the District Railway Police Office, Trichy. The show cause notice dated 09.09.2015 under Rule 17(a) of the Tamil Nadu Civil Services (D&A) Rules, 1955 was issued. The charge against the employee was that she did not send the reconciliation statement in the month of June and July, 2015 in time. Eventually, the punishment of stoppage of increment without cumulative effect for a period of one year

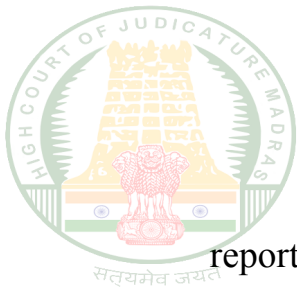


W.A(MD) Nos.509 of 2023 & 451 of 2025

was passed by the disciplinary authority vide order dated 18.09.2015.

Challenging the same, the employee filed an appeal before the Deputy Inspector General of Police, Railways, Chennai. The appellate authority dismissed the appeal. She filed a review petition before the Director General of Police, Chennai. The reviewing authority had also negatived the request. Mercy petition was filed before the Government. That was also rejected. Challenging all these orders, the employee filed W.P. (MD)No.16787 of 2018. The learned single Judge vide order dated 04.03.2022 felt that the punishment imposed on the writ petitioner was disproportionate and hence, modified the same to one of censure. Challenging the same, the employee as well as the department have come on writ appeals.

2. The stand of the learned Additional Government Pleader is that the learned single Judge has not assigned any convincing reason for coming to the conclusion that there is an element of disproportionality in the award of punishment. His alternative argument is that even in that event, the matter should have been remitted to the file of the authority concerned. He relied on the decision of the Hon'ble Supreme Court



W.A(MD) Nos.509 of 2023 & 451 of 2025

reported in **2022 Live Law (SC) 998 (Subrata Nath Vs. Union of India).**

WEB COPY

It was held therein as follows:-

“20. In [Union of India and Others v. Ex. Constable Ram Karan](#) 14, a two Judge Bench of this Court made the following pertinent observations :

“23. The well-ingrained principle of law is that it is the disciplinary authority, or the appellate authority in appeal, which is to decide the nature of punishment to be given to the delinquent employee. Keeping in view the seriousness of the misconduct committed by such an employee, it is not open for the courts to assume and usurp the function of the disciplinary authority.

24. Even in cases where the punishment imposed by the disciplinary authority is found to be shocking to the conscience of the court, normally the disciplinary authority or the appellate authority should be directed to reconsider the question of imposition of penalty. The scope of judicial review on the quantum of punishment is available but with a limited scope. It is only when the penalty imposed appears to be shockingly disproportionate to the nature of misconduct that the courts would frown upon. Even in such a case, after setting aside the penalty order, it is to be left to the disciplinary/appellate authority to take a call and it is not for the court to substitute its decision by prescribing the quantum of punishment. However, it is only in rare and exceptional cases where the court might to shorten the litigation may think of substituting its own view as to the quantum of punishment in place of punishment awarded by the competent authority that too after assigning cogent reasons.”

3. On the other hand, the learned counsel for the writ petitioner contended that the punishment itself is not justified and that censure ought not to have been awarded. He lamented that as many as 122 juniors have stolen a march over the appellant. He also pointed out that



W.A(MD) Nos.509 of 2023 & 451 of 2025

the appellant was on medical leave. He pointed out that the reconciliation statement for the previous month should be sent on 20th and that in this case, delay was only minimal. According to him, the employee could not have been blamed for non-sending of the reconciliation statement in the month of July 2015.

4. We carefully considered the rival contentions. We are conscious that the case on hand pertains only to minor penalty proceedings. In response to the show cause notice dated 09.09.2015, the employee offered detailed explanation. In fact, the penalty order dated 18.09.2015 captures the defence verbatim. But after recording the delinquent's defence, the authority straight away imposed the punishment without consideration of the defence. This in our view is not correct.

5. In minor penalty proceedings, enquiry is not conducted. Show cause notice is issued and explanation is obtained. Therefore, it is necessary that the disciplinary authority applies his or her mind fully to the defence put forth by the delinquent and after a consideration of the same, passes final order. Since the defences of the employee was not



W.A(MD) Nos.509 of 2023 & 451 of 2025

even considered, we quash the proceedings dated 18.09.2015 passed by the disciplinary authority. Hence, all the other orders confirming the same also have to go. The matter is remitted to the file of the disciplinary authority ie., Superintendent of Police, Railways, Trichy. The Superintendent of Police will pass an order afresh on merits and in accordance with law after adverting to the defences putforth by the employee. This exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order.

6. The learned counsel for the employee points out that Sujatha was appointed as Junior Assistant way back in the year 1995 and that she had a blemishless 20 years service before the impugned punishment was imposed on her. She points out that if any punishment is given, then it would have a serious bearing on her promotional prospects. We therefore permit the delinquent to submit an additional explanation. The learned counsel states that such explanation would be submitted within a period of one week from the date of receipt of a copy of this order. Final order shall be passed by the revision authority within a period six weeks thereafter.



W.A(MD) Nos.509 of 2023 & 451 of 2025

WEB COPY 7. Both the writ appeals are allowed accordingly. No costs.

Consequently, connected miscellaneous petition is closed.

(G.R.S., J.) (K.R.S., J.)
11.06.2025

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

To

- 1.The Principal Secretary to Government,
Home (Police.V) Department,
Secretariat,
Chennai-9.
- 2.The Director General of Police,
Mylapore, Chennai 600 004.
- 3.The Deputy Inspector General of Police,
Railways, Chennai-8.
- 4.The Superintendent of Police,
Railways, Trichy,
Trichy District.



WEB COPY



W.A(MD) Nos.509 of 2023 & 451 of 2025

G.R.SWAMINATHAN, J.

AND

K.RAJASEKAR, J.

rmi

W.A(MD) Nos.509 of 2023 & 451 of 2025

11.06.2025