



W.A.(MD)No.886 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.04.2025

CORAM:

THE HONOURABLE **MRS.JUSTICE J.NISHA BANU**

AND

THE HONOURABLE **MRS.JUSTICE S.SRIMATHY**

W.A.(MD)No.886 of 2025

&

C.M.P.(MD)Nos.5799 and 5955 of 2025

I.Sivasubramania Jayasekar

... Appellant

-Vs-

1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Health and Family Welfare (K2) Department,
Secretariat, Fort St.George, Chennai-600 009.

2.The Joint Director of Health Service,
Tanjore @ Kumbakonam, Tanjore District.

3.The Dean,
Government Head Quarters Hospital,
Kumbakonam, Tanjore District.

... Respondents

PRAYER: Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 07.01.2025 made in W.P.(MD)No.17412 of 2022 on the file of this Court.



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For Appellant : Mr.T.Lajapathi Roy,

Senior Counsel,

for Mr.J.Pandi Dorai

For Respondents : Mr.S.S.Madhavan,

Additional Government Pleader

JUDGMENT

[Judgment of the Court was delivered by **S.SRIMATHY, J.**]

This Writ Appeal is directed against the order of this Court dated 07.01.2025 made in W.P.(MD)No.17412 of 2022.

2.It is the case of the writ petitioner that he is a retired Joint Director of Health Services, Thanjavur. While he was working at Kumbakonam, he was entrusted with a sum of Rs.173.20 lakhs for the purpose of providing medical facilities and purchasing medical equipment for Mahamaham Festival at Kumbakonam vide G.O.(D)No.365, Health and Family Welfare (P2) Department, dated 08.12.2025. During audit, it was found that there was an ineligible expenditure to the tune of Rs.14,42,736/-. Therefore, disciplinary proceedings was initiated against the writ petitioner and other officers and charge memo was also issued by the Director of Medical and Rural Health Services, vide order dated 18.06.2018. Thereafter, vide G.O.(D)No.253, Health and Family Welfare

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Department, dated 17.02.2021, the writ petitioner was imposed with the punishment of Pension cut of Rs.2000/- per month for a period of one year and a recovery of a sum of Rs.4,56,223/- for the loss incurred to the Government. Challenging the same, the writ petitioner has filed the said Writ Petition.

3.The Writ Court, after hearing both sides, dismissed the Writ Petition, stating that the writ petitioner has not made out any case that there was a procedural violation in conducting the disciplinary proceedings. Aggrieved by the same, the appellant has filed this Writ Appeal.

4.Heard the learned counsel on either side and perused the materials available on record carefully.

5.It is seen from the records that the co-delinquent has already filed a Writ Petition in W.P.(MD)No.7121 of 2020. The Writ Court, vide order dated 22.06.2022, allowed the same, holding that there is absolutely no discussion as to how the disciplinary authority had come to a subjective satisfaction that the charges were held to be proved and remanded the matter back to the 1st respondent for fresh consideration. However, the 1st respondent, without application of mind and without due consideration to the explanation submitted by the co-delinquent,



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has passed an order in G.O.(Ms)No.1329, Health and Family Welfare (K2) Department, dated 12.12.2022, confirming the earlier punishment without any change. Therefore, the co-delinquent has filed another Writ Petition in W.P.(MD)No.1487 of 2023, which was also allowed by the Writ Court, vide order dated 31.07.2024 and once again remanded the matter back to the 1st respondent to consider the matter by specifically elaborating as to how the disciplinary authorities have come to a subjective satisfaction as to the fact that each of the charges framed as against the petitioner stands proved.

6.In view of the above, since the entire matter has already been adjudicated twice before this Court in the aforesaid two Writ Petitions, we are inclined to extend the same benefit, which is given to the co-delinquent, to the present writ petitioner. Accordingly, this Writ Appeal is allowed. The case is remanded back to the 1st respondent. The other direction given in the above Writ Petition in W.P.(MD)No.1487 of 2023 is applicable to the present appellant also. No costs. Consequently, connected miscellaneous petitions are closed.

[J.N.B., J.] & [S.S.Y., J.]
08.04.2025

NCC : Yes / No
Index : Yes / No
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