



W.A.(MD)No.2562 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.09.2025

CORAM:

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**
AND
THE HONOURABLE **MR.JUSTICE C.KUMARAPPAN**

W.A.(MD)No.2562 of 2025

S.Manoharan

... Appellant

Vs.

1.The Secretary to Government,
Home (Courts) Department,
Secretariat, Fort St. George,
Chennai.

2.The Advocate General,
High Court of Madras,
Chennai-600 104.

3.The Government Pleader,
High Court of Madras,
Chennai-600 104.

4. The Deputy Director,
O/o Advocate General of Tamil Nadu,
Chennai-600104.

... Respondents



W.A.(MD)No.2562 of 2025

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order of the learned single Judge in W.P(MD)No.12635 of 2021 dated 31.01.2025.

For Appellant : Mr.S.Balamurugan

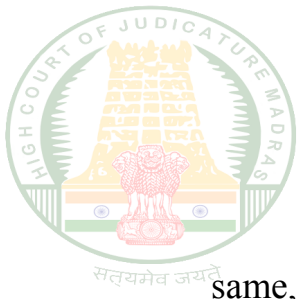
For Respondents : Mr.M.Ajmal Khan
Additional Advocate General
assisted by,
Mr.M.Sarangan
Additional Government Pleader

JUDGMENT

(Judgment of the Court was made by **C.KUMARAPPAN, J.**)

The present writ appeal has been filed challenging the order of the learned Single Judge in W.P(MD)No.12635 of 2021.

2. The brief facts which are necessary for disposal of the present writ appeal is that the petitioner was issued with a charge memorandum on 26.11.2018 containing five charges. After conducting the domestic enquiry, the disciplinary authorities imposed with the punishment of dismissal vide order dated 13.01.2020. Aggrieved with the



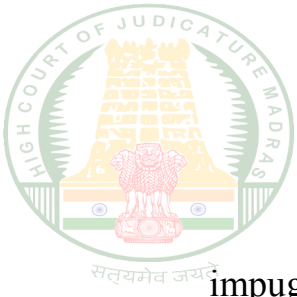
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same, the appellant preferred an appeal before the appellate authority and the appellate authority has confirmed the order of the disciplinary authority vide order dated 01.04.2021. Not satisfying with the order of the appellate authority which confirms the punishment of dismissal, the appellant preferred the impugned writ petition where the learned Single Judge has found that there is no merits in the writ petition and dismissed the same. Aggrieved with the above said order, the present writ appeal has been filed by the appellant/writ petitioner.

3. Heard Mr.S.Balamurugan, learned counsel for the appellant and Mr.M.Ajmal Khan, learned Additional Advocate General for Mr.M.Sarangan, learned Additional Government Pleader for the respondents.

4. The learned counsel for the appellant would vehemently content that there was an inordinate delay of 15 years in initiating the disciplinary proceedings that too after the criminal appeal allowed in the year 2011. Therefore, contended that on account of long delay, the



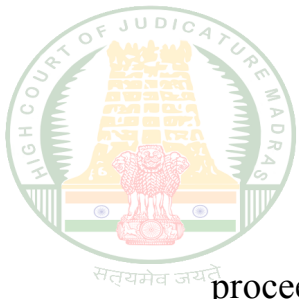
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impugned charge memorandum and the consequential proceedings are liable to be quashed.

5. It is the further contention of the learned counsel that though the appellant was found guilty and imposed with punishment in a criminal case tried against him in S.C.No.476 of 2007 vide judgment dated 20.08.2019, the said judgment was subsequently set aside as against the present appellant vide this Court order in CrI.A(MD)Nos.538, 516 & 531 of 2009 vide order dated 21.04.2011, and this Court has found that there is no material against the appellant and more particularly, the possession of the fake stamp papers by this appellant becomes doubtful. In spite of the order of acquittal, and the finding of this Court that the possession of the fake stamp papers with the appellant was doubtful, the disciplinary authority as well as the appellate authority have imposed the punishment as if charge has been proved against him.

6. It is the further contention of the petitioner that in view of the order of acquittal passed in the criminal appeal, the charge



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proceedings is liable to be quashed as per the judgment of the Hon'ble Supreme Court in *Ramlal v. State of Rajasthan and others* [2024 (1) SCC 175]. Hence, prayed to allow the writ appeal.

7. Per contra, the said contention was strongly objected by the learned Additional Advocate General who would contend that the power of judicial review is very limited in the disciplinary proceedings, and unless the impugned order is perverse, the question of interference with the administrative decisions and the finding of the disciplinary authority does not arise.

8. The learned Additional Advocate General would further submit that though, as against this petitioner, an order of acquittal was passed by this Court in Criminal Appeal, the order of the disciplinary authority and the appellate authority is based on evidence available before the disciplinary authority. Therefore, the question of relying upon the criminal Court judgment does not arise in the matter, as the standard of proof before the criminal Court and before the disciplinary authority is



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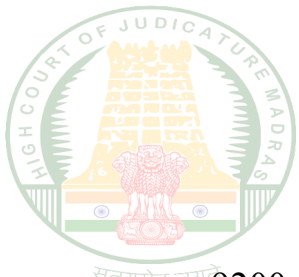
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altogether different. Hence, would contend that the present writ appeal is liable to be dismissed.

9. In support of his contention, the learned Additional Advocate General relied upon the judgments of the Hon'ble Supreme Court in *Ajithkumar Nag v. General Manager, Indian Oil Corpn. Ltd., and others* [2005 (7) SCC 764] and the *Union of India and others v. Dalbir Singh* [2021 (11) SCC 321].

10. We have given our anxious consideration on the submissions made by both sides.

11. While looking at the factual position, the appellant was issued with a charge memorandum on 26.11.2018. It appears that in pursuance of the order of acquittal passed by this Court in CrI.A(MD)Nos.538, 516 & 531/2009 dated 21.04.2011 the appellant appears to have given representation to the disciplinary authority on 13.07.2017. In pursuance of the order dated 17.05.2017 in W.P(MD)No.



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9200 of 2017, the disciplinary authority, after considering the representation, has rejected the same on the ground that the mere acquittal in the criminal proceedings would, in no way bar the disciplinary authority to proceed with the disciplinary proceedings. Against the said rejection order, the appellant has preferred a writ petition in W.P(MD)No.5666 of 2018 where the Writ Court vide order dated 29.11.2018 has directed the disciplinary authority to proceed with the enquiry and such order has reached finality. Therefore, the appellant cannot turn around and contend that the very charge proceedings is contrary to law.

12. Here, the main grievance of the appellant is based upon the judgment of the Hon'ble Supreme Court reported in **Ramlal's case** (cited supra) where the Hon'ble Supreme Court after elaborately going into various aspects, has held in paragraph 28 that the Court of law will not be carried away by the mere use of terminology namely 'benefit of doubt' and 'honourably acquitted' used in the judgements, and the Court in judicial review is obliged to examine the substance of the judgment and



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not go by the form of expression used. Relying upon the judgment, the learned counsel for the appellant would invite the attention of this Court about the order passed by the learned Single Judge in a criminal appeal, where this Court has found that the case of the prosecution that the appellant was possessed with the fake stamp papers was found to be doubtful. Based on the said observation, now the appellant is challenging the disciplinary proceedings.

13. At this juncture, the learned Additional Advocate General is inviting the attention of this Court about the admission made by the appellant before the enquiry officer on 10.09.2019 where the appellant has categorically admitted that fake stamp papers had been seized from him, and the forensic report has opined that the stamp paper seized from him is fake one. Apart from that the learned Additional Advocate General would also rely upon the deposition given by the appellant before the disciplinary authority wherein he has stated that in order to earn money by some shortcut method, by using his acquaintance with one Susairaj, he started selling the fake judicial stamp paper, and that through which



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he earned money. While looking at the order of the disciplinary authority, as well as the appellate authority, both of them have relied upon the above referred evidence available before them, and had arrived at a conclusion that the charge framed against the appellant has been proved. Though in the criminal appeal, this Court has found that the possession of the fake stamp papers with the petitioner is doubtful, such finding has arrived at based upon the principles enunciated in the Evidence Act, whereas in the disciplinary proceedings, Rule of evidence need not be strictly followed. As a matter of fact, in the case in hand as observed hereinabove, there are ample evidences available against the appellant.

14. At this juncture, it is relevant to refer the judgment of the Hon'ble Supreme Court in *Ajithkumar Nag's case* (cited supra) where the Hon'ble Supreme Court has held that acquittal in a criminal Court does not preclude the employer from taking action, if it is otherwise permissible. Therefore, the question of proceeding further with the disciplinary proceedings after passing the acquittal order is not bar. Though the learned counsel for the appellant relied upon the *Ramlal's*



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case (cited supra), even according to the above judgment, the Court has held that in a judicial review, the Court is obliged to examine the substance of the judgment. While looking at the substance of the criminal appeal judgment, this Court taking into consideration of three various versions, has come to a conclusion that the case against the appellant is doubtful. But in the case in hand, the appellant himself has admitted before the authority concerned about his delinquency. Therefore, the question of relying upon the criminal Court judgment does not arise.

15. Apart from that *Union of India and others v. Dalbir Singh [2021(11) SCC 321]*, the Hon'ble Supreme Court has held that unless there is a violation of principles of natural justice, or when the finding of the disciplinary authority is based upon no evidence, or against Rules, such orders are not amenable to the judicial review.

16. In the case in hand, there are ample evidence against the appellant before the disciplinary authority, and that findings rendered by the appellate authority is on the basis of the evidence available before



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him. Therefore, this Court does not find any perversity in the findings of the disciplinary authority. Here, the learned single Judge has gone into all these above aspects extensively and has arrived at a right conclusion that there are no merit in filing the writ petition. We are also in full concurrence with the findings rendered by the learned single Judge.

17. Accordingly, there is no infirmity in the impugned order.

Hence, this Writ Appeal stands dismissed. No Costs.

[A.S.M.J.] & [C.K.J.]
15.09.2025

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

To

1.The Secretary to Government,
Home (Courts) Department,
Secretariat, Fort St. George,
Chennai.

2.The Advocate General,

11/14



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DR.ANITA SUMANTH, J.
AND
C.KUMARAPPAN, J.

PJL

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