



W.A(MD) No.826 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 12.08.2025

CORAM

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

W.A(MD) No.826 of 2020
and
C.M.P.(MD)No.4582 of 2020

1.The Joint Director of Agriculture,
Nagapattinam.

2.The Commissioner of Agriculture,
Chepauk,
Chennai-600005.

... Appellants / Respondents

Vs.

P.Karuppiah

... Respondent / Petitioner

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order made in W.P.(MD)No.11098 of 2009, dated 14.08.2018 on the file of this Court by allowing the writ appeal.



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For Appellants : Mr.N.Ramesh Arumugam

For Respondent : Mr.N.Balakrishnan

JUDGMENT

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

Heard both sides.

2. The department is on appeal challenging the order dated 14.08.2018 made in W.P.(MD)No.11098 of 2009 filed by the respondent. The respondent joined the department of agriculture as a demonstration mastri on 18.06.1970. His probation was declared on 17.06.1972. He was promoted as assistant agricultural officer on 06.12.1982. He was unauthoriszedly absent from 16.01.1991 till 10.04.1992. Thereafter, he re-joined the service and continued to work till the year 1995 when major penalty proceedings were initiated. Eventually, he was removed from service vide order dated 02.04.1998. Aggrieved by the same, he preferred an appeal before the appellate authority. The appellate authority dismissed the appeal vide order dated 11.03.2009. Challenging the same,



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W.P.(MD)No.11098 of 2009 was filed. The learned single Judge disposed of the writ petition in the following terms:-

“6.It is not in dispute the petitioner was absent between 18.03.1991 and 26.02.1992. He was allowed to join duty on 21.04.1992 and after a lapse of three years i.e., on 31.07.1995, departmental action was initiated and finally charges framed against the petitioner were held to be proved and the Appellate Authority also confirmed the order of the original Authority. Strictly speaking, the impugned order cannot be interfered with, as charges have been established. But the only issue to be decided is as to whether the punishment imposed is proportionate to the charges or not. Even though the findings of Authorities cannot be interfered with, certainly with regard to proportionate punishment, the Court can consider and modify the punishment in the light of the judgment of the a three Judges Bench of the Hon'ble Apex Court in the case of [B.C.Chaturvedi Vs. Union of India and others](#), reported in AIR 1996 SC 484, wherein it has been observed as follows:

12.Judicial review is not an appeal from a decision but a review of the manner in which the decision is made. Power of judicial review is meant to ensure that the individual receives fair treatment and not to ensure that the conclusion which the authority reaches is necessarily correct in eye of the Court. When an inquiry is conducted on charges of a misconduct by a public servant, the Court/Tribunal is concerned to determine whether the inquiry was held by a competent officer or whether rules of natural justice be complied with. Whether the findings or conclusions are based on some evidence, the authority entrusted with the power to hold inquiry has jurisdiction, power and authority to reach a finding of fact or conclusion. But that finding



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must be based on some evidence. Neither the technical rules of **Evidence Act** nor of proof of fact or evidence as defined therein, apply to disciplinary proceeding. When the authority accepts that evidence and conclusion receives support therefrom, the disciplinary authority is entitled to hold that the delinquent officer is guilty of the charge. The Court/Tribunal on its power of judicial review does not act as appellate authority to reappreciate the evidence and to arrive at the own independent findings on the evidence. The Court/Tribunal may interfere where the authority held the proceedings against the delinquent officer in a manner inconsistent with the rules of natural justice or in violation of statutory rules prescribing the mode of inquiry of where the conclusion or finding reached by the disciplinary authority is based on no evidence. If the conclusion or finding be such as no reasonable person would have ever reached, the Court/Tribunal may interfere with the conclusion or the finding, and mould the relief so as to make it appropriate to the facts of each case.?

7.In this case, The punishment imposed was excessive and definitely it is not proportionate to the charges, i.e., for the 11 months absence. The petitioner, though reinstated, has been dismissed from service. The petitioner has already attained the age of Superannuation. Hence, this Court is of the view that instead of imposing punishment which was confirmed by the Appellate Authority, the same can be modified so as to impose appropriate punishment by this Court.

8.Though this Court is inclined to modify the punishment, the petitioner cannot be shown leniency in entirety. Hence, this Court directs that the petitioner may be given 90% of the pension from the date he became eligible till July 2018 and 100% pension from August 2018 payable in September 2018 onwards. The petitioner would not



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be entitled to the interest on the terminal benefits which he is otherwise entitled. The respondent has accepted to settle the terminal benefits if a period of three months, including the arrears of pension. However, pension payable from August 2018 shall be paid before the end of October 2018. Based on the proposal sent by the petitioner, the Accountant General may take steps to disburse the arrears.”

Aggrieved by the same, this writ appeal has been filed.

3. It is true that there is a technical omission in the order passed by the learned single Judge. The punishment of removal from service does not appear to have been formally set aside. We can definitely infer the same from a holistic reading of the order. In any event, we make it clear that the punishment is modified and it shall be read that the appellant retired from service with effect from 02.04.1998. The learned Judge took the view that for mere unauthorized absence, imposing the punishment of removal from service is grossly disproportionate. We endorse the said approach. Interference with the said order is not called for. The period of service will be counted with effect from 18.06.1970 till 02.04.1998.

4. The Writ Appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.



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(G.R.S., J.) (K.R.S., J.)
12.08.2025

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AND

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