

W.P(MD)No.19122 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 22.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD). No.19122 of 2018

S.Ramasundaramani

... Petitioner

Vs

1.The Principal Secretary to Government,
Municipal Administration and Water Supply Department,
Fort St.George, Chennai – 9.

2.The Regional Director,
Municipal Administration,
Tirunelveli.

3.The Commissioner,
Paramakudi Municipality,
Paramakudi.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue Writ of Certiorarified Mandamus, calling for the records relating to the first respondent in his proceedings G.O.No.283, dated 12.07.2018 and quash the same and further direct the first respondent to allow th petitioner's second appeal, dated 03.09.2012.

For Petitioner
For Respondents

: Mr.T.S.Narendravasan
: Mr.K.Balasubramani
Special Government Pleader



W.P(MD)No.19122 of 2018

ORDER

WEB COPY

The petitioner is a retired employee of Paramakudi Municipality. While he was in service as a Junior Assistant in Paramakudi Municipality, he was issued with a charge memo, dated 26.12.2005, levelling three charges by the Commissioner, Paramakudi Municipality, under Rule 8(2) of the Tamil Nadu Municipal Service (Discipline and Appeal) Rules, 1970. An enquiry officer was appointed and on completion of enquiry, the enquiry officer found that the charge Nos.1 & 2 were proved and the third charge was not proved and filed his report to that effect on 29.07.2008. Based on the enquiry report, dated 29.07.2008, the third respondent has imposed a punishment of "stoppage of increment for a period of two years with cumulative effect". Challenging the same, the petitioner has preferred an appeal before the Regional Director, Municipal Administration, Tirunelveli/the second respondent and the second respondent, by his order dated 29.06.2012, modified the punishment by reducing "stoppage of increment for a period of one year with cumulative effect". Aggrieved over the same, the petitioner has preferred a review before the Principal Secretary to



W.P(MD)No.19122 of 2018

Government, Municipal Administration and Water Supply

WEB COPY

Department, Chennai/ the first respondent herein and the same was dismissed by the first respondent vide G.O.No.283, Municipal Administration and Water Supply Department, dated 12.07.2018. Challenging the same, the petitioner has filed this writ petition in the year 2018.

2.The learned counsel appearing for the petitioner submits that the charges levelled as against the petitioner are vague and the first respondent has disposed of the review, without any reference and discussions on the allegations made as against this petitioner. According to the petitioner, it is a non-speaking order and therefore, it is liable to be set aside.

3.The learned Special Government Pleader appearing for the respondents by referring to the judgment of the Honourable Supreme Court in *State of Rajasthan and others Vs Bhupendra Singh*, reported in *AIR 2024 SCC 4034* submits that the scope of judicial review has been discussed elaborately in the above said



W.P(MD)No.19122 of 2018

judgment and the learned Special Government Pleader has specifically relied on paragraph Nos.21, 31 and 35 and submits that there is no necessity even for the disciplinary authority to discuss the evidence in detail, while imposing the punishment. The order impugned in this writ petition is only a review and the Government has considered the decisions taken by the disciplinary authority and the first appellate authority and thereafter took a decision that there is no reason to interfere with the order of modified punishment. According to the learned Special Government Pleader, it is not necessary to record each and every reasoning elaborately in the order.

4.This Court considered the rival submissions made and also perused the materials placed on record.

5.Admittedly, the petitioner has not challenged the order of punishment modified by the first appellate authority in his order dated 29.06.2012. The review preferred by the petitioner challenging the order dated 29.06.2012 was dismissed on the ground that the



W.P(MD)No.19122 of 2018

Government is not inclined to interfere with the punishment imposed by the second respondent.

6.The scope of judicial review in matters relating to disciplinary proceedings is very limited. It is meant to ascertain as to whether due process was followed and whether a fair opportunity was accorded to the employee concerned. The power of Courts is limited to reviewing the decision making process, rather than the merits of the decision itself. This is to ensure fairness in treatment and not the fairness of the conclusion. The Courts should not interfere with the findings of the fact arrived at in the departmental enquiry proceedings, except in cases of mala fide or perversity.

7. This Court is of the view that there is no such violation in conducting the enquiry by the Department. More over, the Honourable Supreme Court in *State of Rajasthan and others Vs Bhupendra Singh*, reported in *AIR 2024 SCC 4034* has held that it is not open to the High Court to re-appreciate and reappraise the evidence led before the enquiry officer and examine the findings



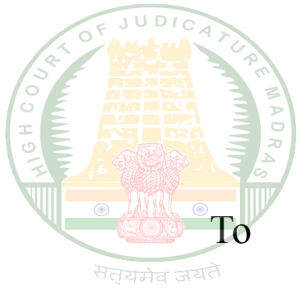
W.P(MD)No.19122 of 2018

recorded by the enquiry officer as a Court of appeal and reach its own conclusions.

8.In view of the above, this Court is not inclined to interfere with the order impugned in this writ petition on the ground that there is no detailed discussion by the Review Authority in the review filed by the writ petitioner. Accordingly, this writ petition is dismissed. No costs.

22.01.2025

NCC:Yes/No
Index:Yes
vrn



W.P(MD)No.19122 of 2018

To

WEB COPY

- 1.The Principal Secretary to Government,
Municipal Administration and Water Supply Department,
Fort St.George, Chennai – 9.
- 2.The Regional Director,
Municipal Administration,
Tirunelveli.
- 3.The Commissioner,
Paramakudi Municipality,
Paramakudi.



WEB COPY



W.P(MD)No.19122 of 2018

B.PUGALENDHI, J.

vrn

Order made in
WP(MD). No.19122 of 2018

22.01.2025