



W.P.(MD)No.23114 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved On : 29.10.2024

Delivered On : 27.01.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.23114 of 2021

and

W.M.P.(MD)No.19565 of 2021

R.Vasu

... Petitioner

Vs.

1.The Additional Chief Secretary to Government,
Revenue and Disaster Management Department,
Secretariat, Chennai – 600 009.

2.The District Collector,
Dindigul District,
Dindigul.

3.The Tahsildar,
Nilakottai Taluk,
Nilakottai,
Dindigul District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the first respondent i.e., the Additional Chief Secretary to Government, Revenue and Disaster Management Department, Chennai, in his G.O. (2D)No.332, Revenue and Disaster Management Department, Service Wing, Ser.3(1) Section G.O.(2D)No.203, Revenue and Disaster Management Department Services Wing, Ser.3(1) Section dated 21.11.2020 and quash the same and consequently direct the first respondent i.e., the Additional Chief Secretary to Government, Revenue



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and Disaster Management, Chennai, to allow the petitioner to retire peacefully on the date of superannuation and to send revised pension proposals to the Accountant General, Chennai.

For Petitioner : Mr.S.Visvalingam
For Respondents 1 to 3 : Mr.D.Gandhiraj
Special Government Pleader

ORDER

This Writ Petition has been filed to quash the the first respondent i.e., the Additional Chief Secretary to Government, Revenue and Disaster Management Department, Chennai in his G.O.(2D)No.332, Revenue and Disaster Management Department, Service Wing, Ser.3(1) Section G.O. (2D)No.203, Revenue and Disaster Management Department Services Wing, Ser.3(1) Section dated 21.11.2020 and consequently direct the first respondent i.e., the Additional Chief Secretary to Government, Revenue and Disaster Management, Chennai, to allow the petitioner to retire peacefully on the date of superannuation and to send revised pension proposals to the Accountant General, Chennai.

2.The petitioner was appointed as an Office Assistant through employment exchange on 03.05.1986, in the Taluk office, Vedasandur. Thereafter, he was promoted as a Junior Assistant on 15.11.1999 and further was served as a Special Revenue Inspector in the cadre of Junior Assistant. While serving as the Special Revenue Inspector, he was visited with a charge memo dated 19.06.2012, for the delinquency of receiving



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bribes ranging between Rs.250/- and Rs.300/- from the general public for the issuance of new ration cards. A disciplinary proceeding was initiated as against him and an enquiry was conducted and finally on the basis of the enquiry report, it was reported to the District Collector, Dindigul, that the charge was partly proved. Based on which, the petitioner's further representation was received and thereafter, the Government vide G.O.(2D)No.332, Revenue Disaster Management Department, dated 25.10.2018, imposed a punishment of compulsory retirement. Following which, G.O.(2D)No.203, Revenue Disaster Management Department, dated 21.11.2020, giving effect to the compulsory retirement was issued. Accordingly, his pension was reduced from Rs.18,150/- to Rs.12,100/- and the DCRG was reduced to Rs.3,63,000/- instead of Rs.5,44,500/-. Challenging the same, this Writ Petition came to be filed.

3.The learned counsel appearing for the petitioner submitted that the alleged incident took place in the year 2008 – 2009. It was only after a period of 4 years, the disciplinary proceedings was initiated by the Commissioner of disciplinary proceedings. The disciplinary proceedings was completed and the report was sent to the District Collector, Dindigul, on 31.07.2014. Further the District Collector, Dindigul, passed final orders after four years, on 25.10.2018, by issuance of G.O.(2D)No.332, Revenue and Disaster Management Department, dated 25.10.2018 and consequential orders giving effect to the same was passed on 21.11.2020,



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by issuance of G.O.(2D)No.203, Revenue and Disaster Management Department. Thus, the disciplinary proceedings took a prolonged period of 12 years, which is highly prejudicial to the petitioner and the said punishments are liable to be quashed on the ground of delay alone. That apart, he submitted that the charge against the petitioner is that he demanded and accepted the bribe amount from the general public for the issuance of rations cards. All the private witnesses numbering seven persons did not accept the demand and acceptance of bribe by the petitioner before the enquiry Officer. Only one private witness, namely, Janarthanan, deposed against the petitioner. Only on that basis, the Enquiry Officer has reported that the charge against the petitioner is partly proved. Without considering the report of the Enquiry Officer, the Government had concluded that the charge is totally proved by simply reproducing the charges, explanation, report of the enquiry Officer and further representation of the petitioner and the report of the Tamil Nadu Public Service Commission and passed a non speaking order without any discussion on the representation of the petitioner and the report of the Enquiry Officer. Hence, the said impugned order is a non speaking order without any reasoning and on that basis, pressed for allowing the Writ Petition.

4. On the basis of the counter affidavit filed by the respondents, the learned Special Government Pleader appearing for the respondents



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submitted that the alleged accident took place in the year 2009 and the appropriate authority conducted enquiry in this case and after the completion of enquiry, the case was referred to the Government for disciplinary proceedings. The Government after careful examination of the same, referred the matter to the learned Tribunal for detailed enquiry. The learned Tribunal conducted enquiry and gave finding to the Government. A further explanation from the petitioner was obtained as per Rules on the report of the Tribunal of Disciplinary proceedings. Only thereafter, the Government decided to impose a punishment of compulsory retirement. Since the said punishment was major punishment, which is proposed to be imposed on an delinquent Officer, the opinion of the Tamil Nadu Public Service Commission was also sought for. Only after obtaining the opinion of the Tamil Nadu Public Service Commission, the order of punishment of compulsory retirement came to be issued based on the official witness who deposed evidence as against the petitioner. In view of the same, it is not necessary to interfere with the impugned order and pressed for dismissal of the Writ Petition.

5. Heard the learned counsel for the petitioner, the learned Special Government Pleader for the respondents and carefully perused the materials available on record.

6. The alleged delinquency for which the disciplinary proceedings



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has been initiated as against the petitioner is demand of bribe for issuance of ration cards. Only on the basis of concrete evidence deposed by the witness, who was examined as P.W.2, whose testimony proved the demand of bribe of Rs.300/- for issuing ration card to him, the charge was held to be proved as against the delinquent.

7.Though the learned counsel appearing for the petitioner categorically contended that the disciplinary proceedings initiated by issuance of charge memo on 19.06.2012, for an alleged incident which took place in the year 2009, came to be concluded after a period of 16 years by issuance of impugned order on 25.10.2018. However, in the instance case, the disciplinary proceeding initiated against the petitioner was based on the recommendation of the appropriate investigating agency of State and the Tribunal for disciplinary proceeding, Madurai. The said recommendation was made on the basis of the letter of Director of Vigilance and Anti Corruption received by the Vigilance Inspector, at Dindigul.

8.It is needless to state that the demand and receipt of bribe by a Government Officer would absolutely damage the integrity, devotion to duty and unbecoming of Government servant by violating Rule 20(1) of the Tamil Nadu Government Servant Conduct Rules, 1973. That apart, the impugned punishment and consequential order came to be passed by



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the respondents only after obtaining opinion of the Tamil Nadu Public Service Commission wherein the Commission opined that there is no ground to interfere with the Government's decision as against the delinquent in imposing the punishment of compulsory retirement. Categorically observing that Corruption would go to the root of discharging the official duties and would amount to absolute dereliction of duty and unbecoming of a government official, this Court is not inclined to interfere with the impugned order.

9. Accordingly, the Writ Petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

27.01.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
Mrn



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To

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L.VICTORIA GOWRI, J.

Mrn

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