



W.A.(MD)No.514 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 25.06.2025

CORAM:

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**

AND

THE HONOURABLE **DR.JUSTICE A.D.MARIA CLETE**

W.A.(MD)No.514 of 2020

and

C.M.P.(MD)No.3632 of 2020

1.The Secretary to Government,
Government of Tamil Nadu,
Health and Family Welfare (B-2) Department,
Fort St.George, Chennai-600 009.

2.The Director of Medical & Rural Health Services,
Chennai-600 006.

... Appellants

-Vs-

RA.Chandirasekaran

... Respondent

PRAYER: Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 16.03.2017 made in W.P.(MD)No.2296 of 2012 on the file of this Court.

For Appellants : Mr.J.Ashok,
Additional Government Pleader

For Respondent : Mr.N.Mohideen Basha

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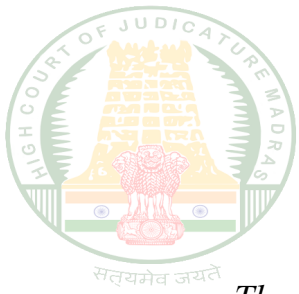
JUDGMENT

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

The procedures to be adopted for departmental disciplinary proceedings and criminal trial are distinct and different. Strict proof is required to convict a person in a criminal trial. However, preponderance of probabilities are sufficient to punish an employee under the Tamil Nadu Civil Services (Discipline and Appeal) Rules. Thus, the standard of proof required in a departmental enquiry cannot be compared with the proof required in a criminal trial to convict a person. Thus, the ground taken by the 1st respondent that the Vigilance Officer was not subjected to examination or cross-examination is not sufficient to interfere with the punishment imposed on the respondent.

2.The State is the appellant in the present Writ Appeal. The respondent was the Resident Medical Officer at Tuticorin Medical College Hospital during the relevant point of time. The charge sheet was issued in proceedings dated 18.06.2007 and six charges were framed. Since the charge Nos.2 to 6 are held not proved, it is sufficient if charge No.1 alone is taken into consideration for the purpose of contesting the present Writ Appeal. Charge No.1 reads as under:-

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“that Dr.Ra.Chandrasekaran, Resident Medical Officer, Thoothukudi Medical College Hospital, Thoothukudi is not staying in the Resident Medical Officer Quarters allotted to him and subletting the Resident Medical Officer quarters to the Nursing Tutors and also collecting money as rent from them till-date. Instead of staying in the Resident Medical Officer Quarters, he is staying at Bryan Nagar 2nd street (East) Thoothukudi. Since the non-availability of the Residential Medical Officer in the Quarters after 1 pm on all days there is no superior officer to attend the grievances of the public and to supervise the personnels.”

3. Annexure II provides statement of allegations, namely, the imputations of misconduct. Annexure III denotes list of documents. Pertinently, two documents are referred and the first document is departmental enquiry report. One of the grounds raised by the respondent is that copy of the departmental enquiry report has not been served on him. However, the respondent has not made any complaint that the report has not been furnished to him throughout the proceedings till the final order was passed by the Government. When charge memo itself indicates that the departmental enquiry report is relied on by the department in Annexure III to the charge memo, the respondent ought to have claimed the said report, if not furnished during the relevant point of time. Thus, the primordial ground raised in the Writ Petition is untenable.



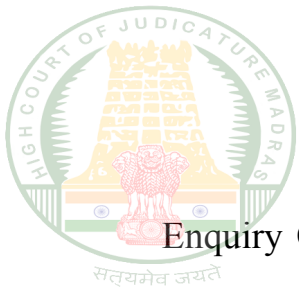
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4. With reference to the Charge No.1, the Enquiry Officer made finding as follows:-

“The Inquiry Officer has stated that the delinquent officer in his statement expressed that he was staying in the quarters since October 2002 and he was paying the rent. He has submitted Xerox copies of pay drawn particulars of May 2005, August 2005, December 2006 and October 2007. And also there was no proof that he had sublet the Resident Medical Officer quarters to the Nursing Tutors. But while going through the Vigilance Officer's report and the Dean's D.O. Letter dated 24.04.2006, it is understood that Dr.Ra.Chandrasekaran was not staying in the quarters allotted to him though the House Rent Allowance was deducted from his salary. The Vigilance Officer has personally inspected the Doctor's residence outside the Hospital at Bryant Nagar IInd Street East, Thoothukudi, where he had consultations between 12.30-01.30 P.M and 08.30-10.00 P.M. The Vigilance Officer also inspected Dr.Ra.Chandrasekaran's clinic at VE.Road, where he had consultations between 05.30-08.30 P.M. All these proved that Dr.Ra.Chandrasekaran had not stayed in the quarters all the time. Hence, the Inquiry Officer has held that charge-1 as proved.”

5. The Government in the impugned order of punishment has elaborately considered the defence statement of the delinquent officer, the findings of the



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Enquiry Officer. The respondent has further raised a ground that he was ready and willing to examine 7 witnesses. In departmental disciplinary proceedings, the Enquiry Officer has not obligated to examine all the witnesses. In the present case, the Vigilance Officer's report has been relied upon. The Vigilance Officer, during his enquiry, had found that the respondent was not staying in the quarters allotted to him, though House Rent Allowance was deducted from his salary. The Vigilance Officer personally inspected the Doctor's residence outside the hospital at Bryant Nagar 2nd Street East, Thoothukudi, where he had consultation between 12.30 to 1.30 P.M and 8.30 to 10.00 P.M. The Vigilance Officer also inspected the respondent clinic at V.E. Road, where he consultation between 5.30 to 8.30 P.M.

6. When the Vigilance Officer had personally conducted inspection and found that the respondent was practicing in two places on different timings, the Enquiry Officer formed an opinion that Charge no.1 is held to be proved. The details regarding 7 witnesses on behalf of the respondent have not been given. That apart, it is departmental disciplinary proceedings and the punishment was imposed based on the Vigilance Officer's report, which would be sufficient in the opinion of this Court. More so, the punishment imposed is stoppage of increment for one year without cumulative effect i.e., minor punishment. That being so, this Court does not find disproportionality regarding the quantum of punishment.



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7. For all these reasons, the finding of the writ Court appears to be not in consonance with the principles of departmental disciplinary proceedings for imposing punishment of misconduct and not on sound principles of law. Consequently, the order of the writ Court dated 16.03.2017 made in W.P.(MD)No.2296 of 2012 is set aside and accordingly, this Writ Appeal stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

[S.M.S, J.] & [A.D.M.C., J.]
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NCC : Yes / No
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