



WEB COPY

WP No. 19197 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-01-2026

CORAM

**THE HON'BLE MR JUSTICE C.V. KARTHIKEYAN
AND
THE HON'BLE MR.JUSTICE K.KUMARESH BABU**

**WP No. 19197 of 2024
and
W.M.P.No.21057 of 2024**

1. Union Of India,
Rep. By The Postmaster General,
Central Region(TN),
Tiruchirappalli -620 001.
2. Superintendent Of Post Offices,
Mayiladuthurai Division,
Mayiladuthuria -609 001.
3. Assistant Superintendent Of Post Offices,
Mayiladuthurai North Sub-Division,
Mayiladuthuria -609 001.

..Petitioners

Vs

1. The Registrar,
Central Administrative Tribunal,
Madras Bench
High Court Building, Chennai -104.
2. L.Ravichandran,
S/o. D.Lakshmanan,
1/131, Melatheru,
Melapathi Village & Post,
Kilaiyur SO, Pin -609 304.

..Respondents

Writ Petition under Article 226 of the Constitution of India calling for the records of the Hon'ble Tribunal in its impugned order dated 31.03.2023 in OA



968/2014 passed by the 1st respondent, Hon'ble Central Administrative Tribunal, Madras Bench and quash the same.

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For Petitioners: Mr.M.Karthikeyan

For R2: Mr.R.Malaichamy

ORDER

(Order of the Court was made by K.Kumaresh Babu J.)

The writ petition has been filed seeking issuance of a writ of certiorari to call for the records of the first respondent, Central Administrative Tribunal in respect of the impugned order dated 31.03.2023 in OA 968/2014 and quash the same.

2. Heard the learned counsel appearing for the parties.

3. Mr.M.Karthikeyan, learned counsel appearing for the petitioners submitted that the second respondent was engaged as a Gramin Dak Sevak (GDS) and was serving at the office of the Branch Post Master, Melapathi Branch. Some discrepancies were found during a surprise visit by the third petitioner on 31.01.2013 and it was found that the second respondent had committed certain frauds and hence, charge memo was issued and that after conclusion of the enquiry, he was imposed with the punishment of removal from engagement by order dated 14.10.2013. Revision preferred by the second respondent to the first petitioner was also negatived by order dated 19.03.2014.



In the Original Application filed by the second respondent herein, before the Central Administrative Tribunal, the order of punishment, which was confirmed in revision, was set aside, with a direction to revisit the case of the second respondent herein, however, subject to the report of the enquiry officer. He submits that the second respondent, during the preliminary enquiry, had not refuted the charges, but, on the other hand, had admitted the same and therefore, there is no error in imposing the punishment. The second respondent, having been entrusted with the duty of managing the deposits in the post office, is duty bound to account for the various deposits made by its customers and his delinquency is serious in nature and the Tribunal ought not to have interfered with the order of punishment in the casual manner and remitted the matter back to the petitioners. Therefore, he would seek indulgence of this court in setting aside the order of the Tribunal and restoring the punishment imposed.

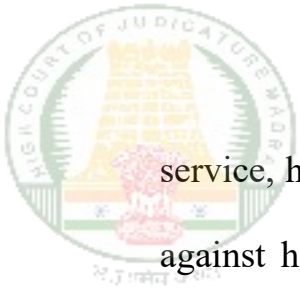
4. Countering his arguments, Mr.R.Malaichamy, learned counsel for the second respondent would submit that no witnesses were examined to drive home the charges against the second respondent and if that had been done, the second respondent could have availed his opportunity to cross-examine such witnesses and merely based upon the statement made in the preliminary enquiry, which, he would contend, could be on coercion, the writ petitioners had proceeded to impose the punishment and the entire procedure adopted in passing the order of punishment is violative of the principles of natural justice and therefore, there is no error in the orders of the Tribunal directing *de novo*



enquiry. He would submit that the second respondent has got an unblemished service record of 20 years and as such, his discharge from service would disentitle the service benefits, which he would, otherwise be entitled to for the services rendered by him. He would submit that there is no necessity for this court to interfere with the orders of the Tribunal. He would pray this court to fix a timeline for conducting the enquiry in accordance with law and conclude the same within such time period.

5. We have heard the submissions of the learned counsel for the parties and perused the materials available on record.

6. It is an admitted case that the second respondent had been imposed with a punishment of disengagement from service, based upon his alleged admission during the preliminary enquiry. The Tribunal, placing reliance on an earlier order made in O.A.No.3149 of 2009 dated 08.09.2010, and having found that the procedure had not been followed in coming to a conclusion that the charges have been proved on the basis of admission during the preliminary enquiry, had held that the order of punishment imposed on the second respondent and confirmed by the revisional authority, was against law and had set aside the same, however, originally, under the impression that the second respondent had attained the age of superannuation, without ordering the *de novo* enquiry, has directed the writ petitioners to consider the claim of the second respondent sympathetically for grant of pension. Pursuant to a review filed by the second respondent, noting that the second respondent was still continuing in



service, had directed for conducting a *de novo* enquiry into the charges levelled against him with a further direction to reinstate him, however, subject to the outcome of the report of the enquiry officer.

7. The enquiry officer had filed a report without conducting enquiry. However, based upon the admission made by the second respondent during the preliminary enquiry, he was imposed with the punishment. Admittedly, no witnesses were examined nor any document had been placed on record to drive home the charges against the second respondent, except the statement of the second respondent during the preliminary enquiry pleading guilty, there is nothing on record to prove the delinquency of the second respondent. The enquiry report also does not suggest anything, except the admission, as to how the charges levelled against the second respondent had been proved. The Tribunal has rightly concluded that it is only appropriate to conduct *de novo* enquiry before imposing a punishment against the second respondent. It is further to be noted that the Tribunal had not directed reinstatement, but, directed that the reinstatement would be subject to the result of the enquiry and the enquiry officer's report. Such a direction does not require any interference at this stage. Further, considering that delinquency had taken place nearly a decade ago, it would be appropriate only to direct the petitioners to conduct the *de novo* enquiry ordered by the Tribunal within a period of three months from the date of receipt of a copy of this order.



8. For the aforesaid reasons, the writ petition is dismissed with a timeline indicated above. No order as to costs. The connected miscellaneous petition is also dismissed.

(C.V.K.,J.) (K.B.,J.)
28-01-2026

Index: Yes
Speaking order
Neutral Citation: Yes

ssk

To

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