



WEB COPY

WA No. 1827 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON: 09-01-2026

PRONOUNCED ON: 30-01-2026

CORAM

**THE HONOURABLE Mr.JUSTICE S. M. SUBRAMANIAM
AND
THE HONOURABLE Mr.JUSTICE C.KUMARAPPAN**

WA No. 1827 of 2021

1. S.Packiam
S/o. S.M.K. Sikkandar,
Sub Registrar (Guidelines)
Office Of The District Registrar,
North Chennai 600 001

Appellant(s)

Vs

1. Government Of Tamil Nadu
Rep.By Principal Secretary To
Government, Commercial Taxes And
Registration Department, Secretariat,
Chennai 9.

2.The Inspector General Of
Registration, Chennai 28.

Respondent(s)

PRAYER

Writ Appeal filed under Clause 15 of The Letters Patent, praying to allow the Writ Appeal set aside the order dated 22.10.2019 in WP No.10053 of 2013.



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For Appellant(s): Mr.M. Ravi

For Respondent(s): Mr.Haja Nazirudeen,
Additional Advocate General
assisted By Mr.U.Baranidharan,
Special Government Pleader

JUDGMENT

(Judgment of the Court was made by C.KUMARAPPAN, J.)

The appellant herein is the petitioner before the Writ Court. He challenged the punishment of dismissal, whereas the Writ Court, after considering the issue elaborately, ultimately dismissed the writ petition. Feeling aggrieved with the order of the learned Single Judge, the present Writ Appeal is filed.

2.Heard Mr.M.Ravi, learned counsel for the Appellant, and Mr.Haja Nazirudeen, learned Additional Advocate General assisted by Mr.U.Baranidharan, learned Special Government Pleader appearing for the respondents.

3.The learned counsel for the appellant would vehemently contend that based upon the self-serving charges, which emanated through the vexatious



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complaint, without application of mind, the Appellate Authority has passed the order of dismissal. It is his further submission that based upon the hearsay evidence, without even examining the material witnesses, the findings rendered by the Enquiry Officer is perverse. The learned counsel would further submit that the deposition of the departmental evidences do not establish the charges and that the Enquiry Officer without there being any sufficient material, has wrongly given a positive finding and that even the Appellate Authority, without application of mind has imposed the harsh punishment of dismissal. In support of his contention, the learned counsel for the appellant relied upon the judgments of the Hon'ble Supreme Court in ***Bhupinderpal Singh Gill Vs. State of Punjab and others*** reported in ***2025 SCC OnLine SC 113*** and ***Roop Singh Negi Vs. Punjab National Bank and others*** reported in ***(2009) 2 SCC 570***. Hence, prayed to interfere with the order of the learned Single Judge.

4.*Per contra*, the said contention was stoutly objected by the learned Additional Advocate General and would contend that the Disciplinary Authority as well as the Appellate Authority have appreciated the evidence in its right perspective and based upon the material available on record, rendered a correct findings. It is the further submission of the learned Additional Advocate General that the charges framed against the appellant are serious in nature and



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based upon the enquiry report, punishment of dismissal was imposed against the appellant, which cannot be found faulted with. The learned Additional Advocate General would further submit that the re-appreciation of evidence at the stage of Writ Appeal is contrary to the legal principles. He also contended that the entire arguments before this Court rest upon the factual aspects, which cannot be gone into while exercising the power of judicial review. The learned Additional Advocate General would further submit that there are also other two corruption complaints pending against the appellant in Government letter No.(2d) No.159 dated 27.07.2009 and G.O.(2d) No.190 dated 25.09.2009. Hence, prayed to dismiss the Writ Appeal.

5.We have given our anxious consideration to either side submissions.

6.Before we delve into the legal aspects, it is appropriate to refer certain factual aspects.

- (i) The appellant was issued with the charge memorandum on 03.02.2003 containing charges in respect of causing loss to the exchequer, fabrication of false records and misappropriation and there was also a charge for corrupt practice.
- (ii) The Disciplinary Authority has initiated the disciplinary proceedings by appointing an Enquiry Officer.



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(iii) The Enquiry Officer submitted his report on 10.10.2003.

(iv) In pursuance of the Enquiry Report, the Disciplinary Authority imposed a punishment of withholding of increment with cumulative effect for five years.

(v) When the appellant preferred an appeal, the Government vide order dated 26.09.2012 enhanced the punishment to dismissal.

(vi). Aggrieved with the order of dismissal, when the appellant preferred the writ petition, the learned Single Judge confirmed the same.

7.Reverting back to the submission of the appellant, the main contention put forth by the learned counsel for the appellant is in respect of Rule 9A of the Tamil Nadu Civil Services (Discipline and Appeal) Rules. According to the above Rule, if there is a disciplinary proceedings against the involvement of more than one Government Servant and whose cases are interconnected, the Authority competent to institute the disciplinary proceedings, shall be the immediate higher Authority in that Department in respect of the Government Servant, who holds the highest post among such Government servants and the disciplinary proceedings against all of them shall be taken together. In the case in hand, it is the submission of the appellant that on 03.02.2003, there was a disciplinary proceedings against the appellant as well as the other Officers and the Government has withdrawn the charge against the other Officers. It is in this



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background, they contended that the charge against the appellant also to be withdrawn. But, while looking at the charge memorandum dated 03.02.2003, it does not disclose anything as to the involvement of other Government servants. Therefore, the question of invoking Rule 9A of the Tamil Nadu Civil Services (Discipline and Appeal) Rules to withdraw the charge does not arise in the instant case.

8.Further, it is well settled principle of law that the power of judicial review is not an appellate remedy to re-appreciate the evidence. The judicial review is meant only to ensure the fairness in treatment and not to ensure the fairness of conclusion. It is also well settled principle of law that the High Court has no jurisdiction to review the punishment, unless it is shockingly disproportionate. Further, the possibility of arriving at yet another finding cannot be a reason to substitute a finding already reached by the Disciplinary Authority. What we require in the disciplinary proceedings is, some evidence to reach the conclusion and the standard of proof is only the preponderance of probabilities and not proof beyond the reasonable doubts.

9.To substantiate the contention, the learned counsel relied upon the enquiry report and would contend that the non examination of the document writer one Mr.Annamalai is fatal to the enquiry. However, while looking at the



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enquiry report, the Enquiry Officer relied upon the evidence of PW1, who is the executant of the document, and he has spoken about the statement made by the so called Annamalai viz., the document writer about the demand made by the delinquent and such evidence was available before the Enquiry Officer. The Enquiry Officer has reached a factual conclusion that the delinquent did not plead any *mala fide* or any motive against PW1. In view of the above factual scenario, the Enquiry Officer fully believed PW1, which course of action is possible one. Therefore, since because the person, who demanded the amount was not examined, does not mean that there are no evidence to prove the same. Even for argument sake, if we accept the argument of the appellant, it would only give an alternative finding, which cannot be substituted while exercising the power of judicial review.

10. At this juncture, the learned counsel relied upon the judgment of ***Bhupinderpal Singh's*** case [cited supra] and would submit that the non consideration of the response to the enquiry report is fatal. In this regard, the learned counsel for the appellant by relying upon the Government letter dated 30.01.2004 and 15.11.2006, would contend that there is a non application of mind by the Appellate Authority. The letter dated 15.11.2006 is only seeking explanation upon the enquiry report for imposing enhancement of punishment.



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In this regard, when the appellant preferred a writ petition in WP.No.1673 of 2007, vide order dated 03.01.2011 this Court has upheld the jurisdiction of the State Government to issue notice for enhancing the punishment. Therefore, having already suffered an order about the validity of the letter dated 30.01.2004 and 15.11.2006, the appellant cannot take advantage of some inadvertent reference of the letter in her favour, that too at the Writ Appeal stage.

11.The learned counsel would also rely upon the judgment of **Roop Singh Negi's** case [cited supra]. In the above judgment, the Hon'ble Supreme Court has hold that mere marking of documents are not sufficient unless, it is proved and that the enquiry report should not be based upon the conjunctures and surmises. But, in the case in hand, the Disciplinary Authority has arrived at a conclusion based upon the material available before them for misappropriation of funds, apart from the charge of corruption. Such finding was approved by the Appellate Authority on re-appreciation of evidences. Further, through the argument of the learned counsel for the appellant, this Court absolutely could not find any material to say the enquiry report is perverse. All the factual defence, if accepted may only lead to alternative finding, which cannot be substituted in the place of finding of the Disciplinary Authority. Further, the



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enquiry report discloses all the foundational fact to reach such possible conclusion.

12. Therefore, we are of the firm view that the conclusion reached by the learned Single Judge is in accordance with law and this Court absolutely does not find any ground to interfere with the same.

13. In the result, this Writ Appeal stands dismissed. No costs.

(S.M.SUBRAMANIAM J.)(C.KUMARAPPAN J.)
30-01-2026

kmi

Index: Yes

Speaking order

Internet: Yes

Neutral Citation: Yes

To

1. Government Of Tamil Nadu

Rep. By Principal Secretary To

Government, Commercial Taxes And

Registration Department, Secretariat,

Chennai 9.

2. The Inspector General Of

Registration, Chennai 28.



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