IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-02-2026

CORAM

THE HON'BLE MR.JUSTICE HEMANT CHANDANGOUDAR

WP No.10000 of 2018

K.Bhanumathi,
D/o. V.Krishnamoorthy, Door No. 5, 6th Street,
Annai Sathya Nagar, Nesapakkam,
Chennai-600 078.

..Petitioner(s)

Vs

1. The Principal Secretary to Government,
   Government of Tamil Nadu,
   Cooperation, Consumer, Food and Protection
   Department,
   Fort St George,
   Chennai-600 009.

2. The Registrar of Cooperative Societies,
   Chennai-600 010.

3. The Director of Audit for Milk Cooperatives,
   Chennai-600 004.

..Respondent(s)

PRAYER : For certiorarified mandamus to call for the records pertaining orders passed in G.O.(Ms) No. 41 dated 26.3.2018 on the file of the 1st respondent and quash the same and direct the respondents to reinstate the petitioner in service with all consequential benefits including service and monetary benefits.

For Petitioner(s): Mr.M.S.Soundara Rajan

For Respondent(s): Mr.R.Neelakandan,
Addl. Advocate General,
assisted by Mr.P.Ganesan,
Govt. Advocate.

ORDER

The challenge in this Writ Petition is to the Government Order dated 26.03.2018 passed by the first respondent in G.O.Ms.No.41, Cooperation, Food and Consumer Protection (CE2) Department.

2. The petitioner, while serving as Personal Clerk to the Director of Audit for Milk Cooperatives, Chennai, was issued with a charge memo. Similarly, the Director of Audit for Milk Cooperatives, Chennai, was also issued with a charge memo.

3. Charge against accused No.1 reads thus :

> *"While you (Accused Officer-I) were working as the Director of Audit for Milk Co-operative, Chennai-28, actuated by corrupt motive and in abuse of your official position and authority, on 31.7.2002, at your (A.O 1's) office, Chennai, you have demanded Rs.25,000/- (Rupees Twenty Five Thousand only) as bribe from the complainant Thiru N.Sekar, Junior Co-operative Auditor, Anaicut Circle, Vellore District, for allowing him to join duty on the expiry of Medical Leave and on 5.8.2002, when Thiru N.Sekar met you at your office and pleaded his inability, you directed the complainant Thiru N.Sekar to pay Rs.10,000/- (Rupees Ten Thousand only) as advance and to pay the remaining amount of Rs.15,000/- (Rupees Fifteen Thousand only) after joining duty.*

On 13.8.2002 at about 02.00 P.M., when Thiru N.Sekar met you in your chamber at the office of the Director of Audit for Milk Co-operative, Chennai and offered Rs.10,000/- as demanded by you, you directed him to place the said amount on your table and accordingly Thiru N.Sekar kept the amount on your table and you reiterated your earlier demand saying "michcham ennachu". Further, you handed over the said bribe amount of Rs.10,000/- to Selvi K.Banumathi, (A.O.2) your Personal Clerk and with an ulterior motive directed her to keep the amount in her custody. You had received Rs.10,000/- as illegal gratification other than legal remuneration as a motive or reward for allowing Thiru N.Sekar to join duty on the expiry of Medical Leave.

Thus, you (A.O.1) had failed to maintain absolute integrity and devotion to duty and violated Rule 20 (1) of the Tamil Nadu Government Servants' Conduct Rules,1973."

4. Charge against the petitioner reads thus :

"While you (Accused Officer-2) were working as the Personal Clerk to Director of Audit for Milk Co-operatives, Chennai, actuated by corrupt motive and in abuse of your (A.O.2's) official position, on 13.8.2002 at about 14.00 hrs. on the direction of Thiru S.Ponmani (A.O.1) you have received the bribe amount of Rs.10,000/- (Rupees Ten Thousand only) from Thiru S.Ponmani (A.O.1) knowing the same was bribe amount and took the said bribe amount Rs.10,000/- to your table and kept the amount below a file and you conducted yourself in a manner which is unbecoming of a

Government Servant. Thus, you (A.O.2) have failed to maintain absolute integrity and devotion to duty and violated Rule 20 (1) of the Tamil Nadu Government Servants' Conduct Rules,1973."

5. The petitioner replied to the show cause notice denying the charge. However, the explanation offered by the petitioner was found to be unsatisfactory, and a departmental inquiry was initiated against the petitioner as well as Accused No.1. Thereafter, a common inquiry was conducted against the petitioner (Accused No.2) and Accused No.1 – Director.

6. Before the Inquiry Officer, the prosecution examined 15 witnesses as P.Ws.1 to 15 and marked 29 documents. The Inquiry Officer, after appreciating the evidence on record, held that the charges against the petitioner as well as Accused No.1 were proved. The inquiry report was furnished to the petitioner.

7. The petitioner was issued a second show cause notice along with a copy of the inquiry report. The petitioner submitted a further explanation denying the allegations and stating that it was not within her knowledge that the amount received from Accused No.1 was gratification money. However, the first respondent passed the impugned order compulsorily retiring the petitioner from service.

8. Mr. M.S. Soundara Rajan, learned counsel for the petitioner, submitted that there is no evidence to suggest that the petitioner was present at the time of demand and acceptance of the gratification amount by Accused No.1. He

further submitted that the money recovered was kept at the instructions of Accused No.1 and that there is no evidence to suggest that the bribe money recovered from Accused No.2 (the petitioner) was gratification money within her knowledge. Therefore, the impugned order passed by the first respondent is not legally sustainable.

9. In response, Mr. R. Neelakandan, learned Additional Advocate General appearing for the State, submitted that the petitioner, fully knowing that the sum of Rs.10,000/- received by her from Accused No.1 was bribe money, had violated Rule 20(1) of the Tamil Nadu Government Servants' Conduct Rules, 1973. He further submitted that the Inquiry Officer, after properly appreciating the evidence on record, had rightly recorded a finding that the charge against the petitioner was proved and, therefore, in the absence of any perversity or arbitrariness in the findings, the order of compulsory retirement cannot be interfered with.

10. The arguments advanced by the learned counsel on either side and the materials placed on record have been duly considered.

11. The specific charge against the petitioner is that, while she was working as Personal Clerk to the Director of Audit for Milk Cooperatives, Chennai, actuated by corrupt motive and in abuse of her official position, on 13.08.2002, on the direction of Accused No.1, she received a bribe amount of Rs.10,000/- from Accused No.1, knowing the same to be bribe money, and kept the said amount on her table beneath a file.

12. P.W.1 is the complainant, who has spoken about the demand and acceptance of Rs.10,000/- as gratification by Accused No.1. Nowhere in his evidence has he stated that the petitioner was present at the time of demand and acceptance of the gratification amount. Similarly, in the evidence of the official shadow witness, there is no statement regarding the presence of the petitioner in the cabin of Accused No.1 at the time of demand and acceptance of the gratification amount.

13. P.W.14 is the Investigating Officer, who, along with the raiding team, upon receiving a signal from the complainant, entered the office of Accused No.1 and introduced themselves. At that time, Accused No.1 appeared frustrated and was unable to speak. Phenolphthalein tests were conducted separately on both hands of Accused No.1, during which the solutions turned light red in colour. The tested solutions were poured into two separate bottles, sealed, and labelled. Thereafter, P.W.14 asked Accused No.1 to produce the tainted money, to which he replied that the same was with Accused No.2, i.e., the petitioner herein. The petitioner was enquired about the money, and she produced Rs.10,000/-, which was kept within a file. The hands of the petitioner were also subjected to phenolphthalein test, and the colour-changed solutions were packed in two separate bottles, sealed, and labelled.

14. Except for the statement of P.W.14 that he had asked the petitioner to produce the money received by Accused No.1, there is no evidence to suggest that the petitioner had received the amount from Accused No.1 with the

knowledge that it was gratification money received from P.W.1. The Inquiry Officer, in his analysis and findings, has categorically recorded that there was no demand or acceptance of bribe by the petitioner. However, he concluded that she had handled the sum of Rs.10,000/- received from Accused No.1, kept it in a file on her table, and produced it before the vigilance police when enquired, which amounted to doubtful conduct and abetment of the offence. The Inquiry Officer also rejected the petitioner’s contention that she merely obeyed the orders of her superior. However, such rejection is not supported by any cogent evidence. In her further explanation, the petitioner stated that the Inquiry Officer held the charge proved without any material to prima facie establish that she received the amount knowing it to be bribe money. Though the first respondent adverted to the further explanation, no independent reasons were assigned for rejecting the same.

15. Normally, this Court, while exercising jurisdiction under Article 226 of the Constitution of India, will not interfere with the findings of fact recorded by the Inquiry Officer in departmental proceedings, particularly when such findings are based on appreciation of oral and documentary evidence. Judicial review in such matters is confined to examining the decision-making process and not the decision itself. Interference is warranted only in limited circumstances, such as when the findings are based on no evidence, when relevant evidence has been ignored, when inadmissible evidence has been relied upon, or when the conclusions drawn are so unreasonable that no prudent

person would have arrived at such findings, thereby rendering them arbitrary or perverse.

16. In the present case, there is a complete absence of evidence to establish that the petitioner had received the amount from Accused No.1 with the knowledge that it constituted bribe money. The complainant has not spoken about the petitioner’s presence at the time of demand or acceptance. The shadow witness has also not implicated the petitioner in the alleged transaction. The only circumstance relied upon is that the petitioner handled the money and produced it when asked by the investigation officer. Such handling, in the absence of proof of knowledge or mens rea, cannot by itself establish complicity in the alleged misconduct.

17. Therefore, the conclusion of the Inquiry Officer that the charge stood proved, despite recording that there was no demand or acceptance by the petitioner, is not supported by legally acceptable evidence. The finding thus suffers from perversity and arbitrariness, warranting interference by this Court in exercise of its writ jurisdiction.

18. In the light of the foregoing discussion, the impugned order passed by the first respondent holding the charge proved is arbitrary and discriminatory. Accordingly, the impugned order is quashed. The respondents are directed to reinstate the petitioner with all attendant benefits, including continuity of service. The petitioner shall be entitled to 50% of back wages. If

the petitioner has received any benefits pursuant to the order of compulsory retirement, the same shall be adjusted against the arrears of salary payable to her.

19. The Writ Petition is disposed of accordingly. No costs. Consequently, the connected W.M.P. No.11950 of 2018 is closed.

02-02-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

DIXIT

To

1. The Principal Secretary to Government,
   Government of Tamil Nadu,
   Cooperation, Consumer, Food and Protection
   Department,
   Fort St George,
   Chennai-600 009.

2. The Registrar of Cooperative Societies,
   Chennai-600 010.

3. The Director of Audit for Milk Cooperatives,
   Chennai-600 004.

HEMANT CHANDANGOUDAR, J.

DIXIT

WP No.10000 of 2018

02-02-2026