



WEB COPY

WP No. 4007 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-02-2026

CORAM

THE HON'BLE MR JUSTICE M.DHANDAPANI

WP No. 4007 of 2026

and

WMP.Nos. 4478 & 4481 of 2026

Ganapathi

..Petitioner(s)

Vs

1. The Director of Fire and Rescue Services,
Tamilnadu, 17, Rukmani Lakshmipathy Road,
Egmore, Chennai- 8.
2. The District Collector (Fire and Rescue
Services),
Salem District.

..Respondent(s)

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking issuance of writ of certiorarified mandamus, calling for the records relating to the impugned Proceedings of the 2nd respondent dated 08.09.2021 in Na.ka.No. 3649/A1/ 2020 as modified by the Proceedings of the 1st respondent dated 10.12.2025 in RC.No. 4119/A3/2025 and quash the same, and consequently direct the respondents to restore the Petitioner's increments and all attendant Service and monetary benefits including period of Suspension as Duty.



For Petitioner(s): Mr.R.Nalliyappan

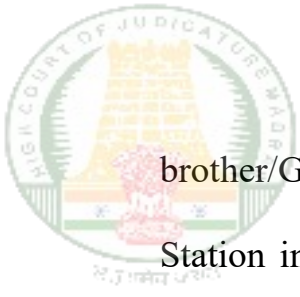
For Respondent(s): Mr.S.Balamurugan
Government Advocate

ORDER

This Writ Petition has been filed challenging the impugned proceedings of the 2nd respondent dated 08.09.2021 in Na.ka.No. 3649/A1/ 2020 as modified by the Proceedings of the 1st respondent dated 10.12.2025 in RC.No. 4119/A3/2025 and quash the same, and consequently direct the respondents to restore the Petitioner's increments and all attendant Service and monetary benefits including period of Suspension as Duty.

2. With the consent of the learned counsel appearing on either side, this Writ Petition is taken up for disposal at the admission stage.

3. The learned counsel appearing for the petitioner would submit that the petitioner is a Fireman appointed in the year 2018 and while he was in service, there was a property dispute in between the petitioner's father and his brother, namely Ganesan. Owing to the dispute, the said Ganesan was continuously harassing the petitioner's family and repeatedly warning the petitioner that if he entered with a quarrel, the petitioner will be removed from the Government service. Due to previous enmity, on 04.06.2020, the petitioner's father's



brother/Ganesan lodged a false complaint before the Tharamangalam Police Station in Crime No.710 of 2020 and on its basis, the petitioner was arrested and remanded to judicial custody due to political pressure and subsequently, the matter has taken on file in C.C.No.208 of 2021 on the file of the learned Judicial Magistrate, Omalur.

4. The learned counsel for the petitioner further submits that after a full-fledged trial, the learned Judicial Magistrate vide order dated 16.04.2024 acquitted the petitioner. In the meanwhile, on the basis of the criminal complaint, the 2nd respondent initiated disciplinary proceedings as against the petitioner under Rule-17B of the Tamil Nadu Discipline and Appeal Rules and the Enquiry Officer submitted his report holding the charges proved against the petitioner. On the basis of the said report, the disciplinary authority imposed a punishment of two years stoppage of increment with cumulative effect vide order dated 08.09.2021. As against the said punishment, the petitioner preferred an appeal before the 1st respondent. The Appellate Authority modified the punishment as postponement of increment for one year without cumulative effect. The learned counsel for the petitioner would submit that instead of discharging the petitioner from disciplinary proceedings, the appellate authority has merely modified the punishment to one postponement of increment for one year without cumulative effect which is highly disproportionate and he further submits that the prosecution failed to prove the case before the Criminal Court



with regard to the videographs recorded by the opposite party/defacto complainant however, on that basis, the punishment was imposed by the original authority which was affirmed by the Appellate Authority is not sustainable. Accordingly, he prayed for allowing the writ petition.

5. Per contra, the learned Government Advocate appearing for the respondents, on instructions, submits that admittedly, the original authority imposed punishment on the petitioner as the petitioner himself admitted that there was a property dispute in between the petitioner's family and the defacto complainant's family and on the basis, the petitioner attacked the defacto complainant thereby, the original authority imposed the punishment, which was modified by the Appellate Authority. Once the appellate authority exercised his discretion and modified the punishment, the same cannot be interfered with under Article 226 of the Constitution of India. Further, learned Government Advocate appearing for the respondents would submit that the appreciation of proof in criminal case and in the departmental proceedings are entirely different, and, therefore no interference is warranted with the punishment.

6. This Court gave its careful consideration to the submissions advanced by the learned counsel on either side and perused the materials available on record.



7. It is the consistent view of the Courts that while appreciation of evidence in a criminal case is on the basis of proof beyond reasonable doubt, whereas in departmental proceedings the extent of proof is to be appreciated on preponderance of probabilities.

8. There is no quarrel with the fact that the petitioner has been acquitted in the criminal case, however, in the departmental proceedings, on the basis of the enquiry, which has found the petitioner as having committed the delinquency, the disciplinary authority had imposed the punishment, which has since been modified in the appeal by the appellate authority. It is not the case of the petitioner that the manner in which the enquiry was conducted is flawed or that there was violation of principles of natural justice or that the petitioner was not provided with opportunity to present his case. In such circumstances, the disciplinary authority, on the basis of the report, had imposed the punishment on the petitioner and in the appeal, the punishment has since been modified. Therefore, there being no attack in the conduct of the enquiry and the appreciation of issue by the authorities concerned, merely relying on the acquittal in the criminal case, the petitioner cannot seek for dropping of proceedings in the departmental enquiry and, therefore, this Court is not inclined to interfere with the conduct of the enquiry of imposition of punishment.



9. Now the only issue that requires determination is the proportionality of the punishment inflicted on the petitioners. The precedents on the issue of interference with the punishment imposed has been oft considered by the Courts and it has been the consistent view of the Courts that it is always within the domain of the disciplinary authority to decide on the punishment to be imposed on the delinquent, which should be proportionate to the act of the delinquent. Only when the punishment is disproportionate and shocking to the conscience, should the courts interfere in the same in exercise of powers under Article 226. In ***Prem Nath Bali - Vs - High Court of Delhi (2015 (16) SCC 415)***, the Supreme Court held as under :-

"20. It is a settled principle of law that once the charges leveled against the delinquent employee are proved then it is for the appointing authority to decide as to what punishment should be imposed on the delinquent employee as per the Rules. The appointing authority, keeping in view the nature and gravity of the charges, findings of the inquiry officer, entire service record of the delinquent employee and all relevant factors relating to the delinquent, exercised its discretion and then imposed the punishment as provided in the Rules.

21. Once such discretion is exercised by the appointing authority in inflicting the punishment (whether minor or major) then the courts are slow to interfere in the quantum of punishment and only in rare and appropriate case substitutes the punishment. Such power is exercised when the court finds that the delinquent employee is able to prove that the punishment inflicted on him is



wholly unreasonable, arbitrary and disproportionate to the gravity of the proved charges thereby shocking the conscience of the court or when it is found to be in contravention of the Rules. The Court may, in such cases, remit the case to the appointing authority for imposing any other punishment as against what was originally awarded to the delinquent employee by the appointing authority as per the Rules or may substitute the punishment by itself instead of remitting to the appointing authority."

(Emphasis Supplied)

10. From the ratio laid down by the Apex Court above, it is crystal clear that the power to interfere with the punishment should be exercised only if the delinquent employee is able to prove that the punishment inflicted on him is wholly unreasonable, arbitrary and disproportionate to the gravity of the proved charges and, thereby, shocking the conscience of the Court or if it is in contravention of the Rules.

11. As already stated above, the enquiry officer has found the delinquent guilty on the basis of the materials, which has since been accepted by the disciplinary authority. While the disciplinary authority had imposed the punishment of stoppage of increment for a period of two years with cumulative effect, however, in the appeal, considering the gravity of the charges, the appellate authority has modified the punishment by reducing the punishment to postponement of increment for one year without cumulative effect. The above



act of the appellate authority clearly reveals that there is independent application of mind on the part of the appellate authority to the materials while considering the case of the petitioner. Further, the modification in the punishment also clearly shows that the punishment imposed is not disproportionate to the delinquency committed by the petitioner and such being the case, this Court sitting under Article 226 is not inclined to interfere with the punishment imposed on the petitioner.

12. For the reasons aforesaid, the writ petition lacks merit and, accordingly, the same is dismissed confirming the order impugned herein. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

20-02-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

KKN



To

1. The Director of Fire and Rescue Services,
Tamilnadu, 17, Rukmani Lakshmipathy Road,
Egmore, Chennai- 8.
2. The District Collector (Fire and Rescue Services),
Salem District.



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M.DHANDAPANI, J.

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