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WP No. 15612 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 21-01-2026

PRONOUNCED ON : 19-02-2026

CORAM

THE HON'BLE MR JUSTICE C.V. KARTHIKEYAN

AND

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

WP No. 15612 of 2024

and

WMP No.17002 of 2024

1. Union of India
Rep by the Postmaster General,
Central Region (TN), Tiruchirappalli - 620 001.
2. The Superintendent of Post Offices
Karur Division, Karur- 639 001.
3. Assistant Superintendent of Post Offices (HQ)
Karur Division, Karur- 639 001.
4. Inspector of Posts
Kulithalai Sub- Division,
Kulithalai-639 104.

..Petitioner(s)

Vs.

1. The Registrar
Central Administrative Tribunal,
Madras Bench High Court Building,
Chennai- 104.



2. K.Boopesh

..Respondent(s)

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Writ Petition filed under Article 226 of the Constitution of India, in the nature of Writ of Certiorari, calling for the records of the Tribunal in its impugned order dated 08.07.2022 in OA No. 460 of 2015 passed by the 1st respondent, Central Administrative Tribunal, Madras bench and its batches and quash the same.

For Petitioner(s): Mr.M.Karthikeyan, SPC

For Respondent(s): Mr.R. Malaichamy, for R2
R1 - Tribunal

ORDER

(Order of the Court was made by C.V.Karthikeyan J.)

The respondents in O.A.No.460 of 2015 on the file of the Central Administrative Tribunal, Chennai Bench, aggrieved by the order dated 08.07.2022 have filed the present Writ Petition.

2.The Original Application in O.A.No.460 of 2015 had been filed by the 2nd respondent, K.Boopesh, seeking to set aside the order dated 29.11.2013 and subsequent orders dated 18.02.2014 and 11.07.2014 removing him from engagement. He sought reinstatement into service with attendant benefits.



3.The 2nd respondent had been appointed as Gramin Dak Sevak Mail Packer (GDSMP). He had been issued with a charge memo on 08.10.2013 by the 3rd petitioner herein. There was one charge namely, that the 2nd respondent had been earlier awarded punishment of being debarred from appearing in the recruitment examination for the post of Multi Tasking Staff Group 'C' and debarred from being considered for recruitment of Postal/Sorting Assistant for a period of three years by order dated 21.06.2012 for keeping office cash short by Rs.2,480/- on 21.09.2010 which amount had been entrusted to him for effecting money order payment and also for failure to deliver four accountable articles and three ordinary articles.

4.After stating the above antecedents, it had been further stated in the charge memo that the 2nd respondent had received a sum of Rs.2,040/- on 06.07.2013 while working as GDS Mail Packer at Thogaimalai from V.Palraj, Proprietor, Arasan Motors, Thogaimalai SO towards deposit in SB Account of K.Selvam of Nallampillai, Thogaimalai SO along with the pass book. It had been contended that the 2nd respondent had failed to make the deposit in the SB account on 06.07.2013 or thereafter. Under these circumstances, it was contended that the 2nd respondent had failed to maintain integrity and devotion to duty as required under Rule 21 of Department of Post GDS [Conduct and Engagement] Rules 2011.



5. It is the case of the writ petitioners herein that the 2nd respondent in his statement of defence dated 19.10.2013 had admitted the charges unconditionally. Thereafter, an enquiry had been conducted and order of removal from engagement had been imposed by the writ petitioners. It had been contended that due procedure had been followed.

6. However, the Tribunal, while examining the records, observed that the charge memo consisted of two parts. The first part related to the antecedent of the 2nd respondent and imposition of punishment, on an earlier occasion and the second part was the charge for which enquiry was contemplated. It was observed that the need and necessity to include the antecedent of the 2nd respondent and the earlier punishment imposed was not understood. It was considered that this inclusion of previous antecedent and punishment imposed was only to jeopardize justice and was unjustified.

7. With respect to the allegation in the second part of the charge of non-deposit of Rs.2,040/- in the SB account, there was no documentary or oral evidence to substantiate the same. The Tribunal observed that punishment had been imposed only on admission by the 2nd respondent. It was also noted that though the 2nd respondent had preferred an appeal against the said punishment, the grounds, which he raised had not been considered by the writ petitioners. In



view of these reasons, the Tribunal set aside the punishment imposed and directed inquiry proceedings to be conducted afresh, as per rules, and that a speaking order should be passed. A time of six months was granted for completing the above exercise.

8. Aggrieved by the said directions issued, the respondents before the Tribunal have filed the present Writ Petition.

9. Heard arguments advanced by Mr. M. Karthikeyan, learned Senior Panel Counsel for the writ petitioners and Mr. R. Malaichamy, learned counsel for the 2nd respondent.

10. The learned counsel for the writ petitioners took the Court through the facts of the case and pointed out that the 2nd respondent had been imposed with punishment on an earlier occasion, debarring him from participating in the recruitment process for further promotion. It was also pointed out that, inspite of such punishment being imposed, the 2nd respondent again came to the adverse notice to the writ petitioners, consequent to an allegation that he had not deposited a sum of Rs. 2,040/- entrusted to him for depositing in a SB account.

11. It was further contended that the 2nd respondent had admitted to the said allegation and therefore, the Enquiry Officer, on the basis of the said



admission had held the charge stood proved. It was further contended that all relevant factors had been taken into consideration while imposing major punishment from removal from engagement. It had been contended that the Tribunal had wrongly appreciated the facts and had directed fresh enquiry to be conducted. It was urged that the writ petition should be allowed and the order of the Tribunal should be quashed and the original order passed by the writ petitioners should be affirmed and retained.

12.Mr.R.Malaichamy, learned counsel for the 2nd respondent, however, disputed the said contentions. The learned counsel pointed out that the charge memo consisted of two separate unrelated and unconnected facts. The first one was with respect to an earlier punishment imposed. It was not required to be stated in the charge memo. Stating a same, had only prejudiced the mind of the Enquiry Officer. The learned counsel argued that with respect to the second allegation namely, the 2nd respondent had failed to deposit a sum of Rs.2,040/- entrusted to him to deposit the same in the SB account of an account holder, the writ petitioners had not adduced any evidence at all. The learned counsel pointed out the stand of the 2nd respondent that he was not aware of what was written in the paper signed by him and that he had never intended to admit the charges. The learned counsel therefore contended that an enquiry should have been conducted to find out whether the allegation stood established or not. He contended that the order of the Tribunal should be upheld.



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13. We have carefully considered the argument advanced and perused the material records.

14. The 2nd respondent was working as Gramin Dak Sevak Mail Packer (GDSMP). He was visited with a charge memo dated 08.10.2013. The allegation was that he had received a sum of Rs.2,040/- on 06.07.2013 from V.Palraj, Proprietor, Arasan Motors, Thogaimalai, to be deposited in the SB account of K.Selvam of Nallampillai, Thogaimalai SO. The allegation was that the 2nd respondent had not effected such deposit. However, in the charge memo, quite apart from this particular allegation, very unnecessarily, in our opinion, the earlier punishment imposed on a totally different allegation much earlier on 21.06.2012 had also been stated. This had been probably stated only to prejudice the mind of the Enquiry Officer and also of the other officials who would process the file. This procedure is frowned upon by us. The allegation in the charge memo should be specifically relating to the allegation for which enquiry is contemplated. The earlier conduct could be pointed out at the time of imposition of punishment, if the allegation stood established, but not prior to the enquiry being commenced. We hold that the charge memo itself stood vitiated.



15. Be that as it may, though an enquiry was contemplated, the writ petitioners had relied on an admission by the 2nd respondent. Even when an admission is made of the allegations, still, once there was an intention to pass a major punishment, care should have been taken to produce oral and documentary evidence to substantiate the allegations.

16. In this connection, the allegation was that the 2nd respondent had received a sum of Rs.2,040/- from V.Palraj to be deposited in the account of K.Selvam. Naturally, the allegation would stand established only when K.Palraj had been examined as a witness. It would be further established when it is proved that K.Selvam had an account at Thogaimalai (SO). The Enquiry Officer, however, had proceeded to take into consideration the admission and had held that the allegation stood proved.

17. The 2nd respondent in his representations had very clearly stated that a written deposition had been prepared and he was asked to sign on the same. When such a serious allegation is made by the 2nd respondent, the disciplinary authority should have examined the records and should have come to an independent conclusion whether that stand by the 2nd respondent was true or not. There had been failure to consider such representation.



18. It is thus seen that, at successive stages, the 2nd respondent had been very seriously prejudiced. In the first instance, the charge memo contained the earlier punishment imposed upon him, which naturally would prejudice and has probably prejudiced the minds of the Enquiry Officer even before the enquiry commenced. It would hardly be possible for the Enquiry Officer to act without prejudice on the basis of such a charge memo issued to the 2nd respondent. He accepted the alleged admission and held that the charges were proved. It is the duty of the Enquiry Officer to ensure that necessary oral and documentary evidence are produced to establish the allegation atleast on preponderance of probabilities. Failure to do so, vitiates the enquiry process.

19. The disciplinary authority had also not considered the representation of the 2nd respondent that he merely signed in a paper, wherein a deposition had been written down and that he had never intended to admit to the allegation. The disciplinary authority should also have pointed out that there was no necessity in the charge memo to include the earlier punishment imposed against the 2nd respondent as that could have been seriously prejudiced the enquiry process itself.

20. In view of these facts, we hold that the punishment imposed of removal from engagement has to be set aside, as having been issued with a mind prejudiced about the conduct of the 2nd respondent even prior to the



enquiry being commenced. The procedure followed is violative of principles of natural justice. The Tribunal had directed enquiry to be conducted afresh. We affirm the said findings.

21.The Writ Petition stands dismissed. We direct fresh charge memo to be issued restricting it only to the allegation for which the enquiry is contemplated. We would also direct that a new Enquiry Officer may be appointed. The 2nd respondent must be given proper opportunity to put up his defence on the allegations. The Enquiry Officer is under an obligation to record oral and documentary evidence, as are required. The entire process may be completed within a period of six months from this date. No order as to costs. Consequently, connected Writ Miscellaneous Petition is closed.

(C.V.K.,J.) (K.B.,J.)
19-02-2026

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No



To

1. The Registrar
Central Administrative Tribunal, Madras Bench
High Court Building, Chennai- 104.



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WP No. 15612 of 2



**C.V.KARTHIKEYAN, J.
AND
K.KUMARESH BABU, J.**

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**Pre-delivery order made in
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19-02-2026