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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on	15.10.2026
Pronounced on	30.10.2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

WP No. 4123 of 2024

CNR:{HCMA010288202024}

and

WMP No. 4433 of 2024

M.Balasubramaniam

..Petitioner(s)

Vs

1. The State of Tamil Nadu
   Rep. by its Principal Secretary to Government,
   Home (Police) (XVII) Department,
   Fort St.George, Secretariat, Chennai 600 009.

2. The Director
   Department of Fire and Rescue Service,
   No.17, Rukmani Lakshmipathy Road,
   Egmore, Chennai-600 008.

..Respondent(s)

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order issued by the 1st respondent in G.O.Ms.No.404, Home (Police-XVII) Department dated 31.07.2023 and to quash the same and consequently directing the respondents to reinstate the petitioner into service with all consequential and other attendant benefits, including arrears of salary.

For Petitioner(s): Mr.Ajmal Khan,
Senior Counsel for Mr.S.Venkatesh
for M/s.Ajmal Associates

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For Respondent(s): Mr.S.Ilamvaludhi,
Special Government Pleader

ORDER

The present Writ Petition has been filed seeking issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order issued by the first respondent in G.O.Ms.No.404, Home (Police-XVII) Department, dated 31.07.2023, quashing the same and consequently directing the respondents to reinstate the petitioner in service with all consequential and attendant benefits, including arrears of salary.

2. The brief facts which are necessary for the disposal of the present Writ Petition are that while the petitioner was serving as a District Officer in the Fire and Rescue Services Department at Coimbatore, on 08.11.2019, he was remanded to judicial custody in connection with a case registered under the Prevention of Corruption Act, pursuant to a trap proceeding. Subsequently, he was placed under suspension. Though his suspension was revoked by this Court, the Hon'ble Supreme Court granted a stay and directed the respondents to proceed with the disciplinary proceedings within a period of four months. Pursuant to the directions of the Hon'ble Supreme Court, a charge memorandum was issued to the petitioner on 07.03.2022. Upon receipt of the charge memorandum, the petitioner submitted a representation seeking certain

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documents. However, though the disciplinary authority furnished some of the documents, the video recordings were not furnished. Upon completion of the enquiry, the Enquiry Officer submitted his report on 09.12.2022. Consequent upon the receipt of the enquiry report, the impugned order dismissing the petitioner from service was passed on 31.07.2023. Aggrieved by the same, the petitioner has filed the present Writ Petition.

3. Heard the learned counsel appearing on either side and perused the materials available on record.

4. The learned Senior Counsel appearing for the petitioner would vehemently contend that though the punishment of dismissal from service was imposed based on the opinion furnished by the Tamil Nadu Public Service Commission (TNPSC), such opinion was not furnished to the petitioner. It is also the contention of the learned Senior Counsel that there are no evidence against the petitioner to arrive at an adverse conclusion. He would further contend that the domestic enquiry cannot be construed to have been conducted in a fair manner or in due compliance with the principles of natural justice. He would also submit that the examination of witnesses in the presence of the Inspector of Police throughout the enquiry and in the absence of the petitioner would seriously prejudice the petitioner and violate the principles of natural justice.

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4.1. It is also his contention that, since the charge relates to corruption, the findings rendered by the disciplinary authority based on the preponderance of probabilities are insufficient, and that, having regard to the seriousness of the charge, the same ought to have been proved beyond reasonable doubt. He would also contend that, in the present case, the Enquiry Officer conducted himself as a prosecutor, resulting in apparent bias in the conduct of the enquiry. In view of the above contentions, he prayed to interfere with the impugned order. To substantiate his case, he relied upon the following judgments:-

(i) ***S.N. Narula v. Union of India*****,** reported in ***(2011) 4 SCC 591;***
(ii) ***State of Uttar Pradesh v. Saroj Kumar Sinha*****,** reported in ***(2010) 2 SCC 772;***

(iii) ***Union of India v. R.P. Singh,*** reported in ***(2014) 7 SCC 340;***
(iv) ***R.Bagavathi Chandran Vs. The Inspector General of Registration (W.P.(MD).No.8832 of 2018 dated 27.04.2018);***
(v) ***Jai Prakash Saini v. Managing Director, U.P. Cooperative Federation Ltd. & Ors.*****,** reported in ***2016:INSC:305;*** and

(vi) ***Union of India v. Gyan Chand Chattar,*** *reported in* ***(2009) 12 SCC 78.***

5. Per contra, the learned Special Government Pleader would contend that, since the charges relate to corruption, all the witnesses involved in the trap proceedings, including the complainant who allegedly handed over the bribe to the petitioner, were examined in the disciplinary enquiry. Therefore, though the standard of proof in disciplinary proceedings is the preponderance of

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probabilities, in the present case, the charges have been proved beyond reasonable doubt. The learned Special Government Pleader would further contend that the plea of prejudice raised by the petitioner on account of the non-furnishing of a copy of the TNPSC opinion is illusory, as the disciplinary authority is under no statutory obligation to obtain an opinion from the TNPSC. He would also submit that the disciplinary authority had arrived at its decision even before receiving the opinion of the TNPSC and that the opinion subsequently furnished by the TNPSC merely reiterated the decision already taken by the disciplinary authority. Therefore, no prejudice whatsoever has been caused to the petitioner, and the non-supply of the TNPSC opinion would have no bearing on the validity of the impugned order.

5.1. It is also the contention of the learned Special Government Pleader that, though no Presenting Officer was appointed, the manner in which the Enquiry Officer conducted the enquiry would demonstrate that he had adopted a fair approach. He would further submit that the petitioner participated in the enquiry throughout without raising any objection and that the plea of bias raised for the first time in the present Writ Petition is an afterthought. Hence, the contention that the Enquiry Officer acted in a biased manner cannot be accepted. It is also his contention that the power of judicial review is limited in scope and that the disciplinary authority, having considered the relevant documents and oral evidence, has rightly arrived at its conclusion. Therefore,

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there is no ground to interfere with the impugned order of dismissal from service. Having regard to the nature and seriousness of the corruption charge, the punishment of dismissal from service is appropriate. Hence, he prayed to dismiss the Writ Petition.

6. I have given my anxious consideration to the submissions made by the learned counsel appearing on either side.

7. Before proceeding to consider the factual defence that there is no evidence against the petitioner, it would be appropriate to consider the legal grounds raised on his behalf, namely: (i) non-furnishing of the TNPSC opinion; (ii) examination of witnesses in the presence of the Investigating Officer, viz., the Inspector of Police; (iii) examination of witnesses in the absence of the petitioner; and (iv) the contention that the Enquiry Officer conducted himself as a prosecutor.

8. Let me consider the above legal grounds one after another. The learned Senior Counsel would contend that the disciplinary authority imposed the punishment of dismissal from service based on the opinion furnished by the TNPSC and that the non-furnishing of a copy of the said opinion has prejudiced the petitioner's case. In this regard, the learned Senior Counsel relied upon the judgment of the Hon'ble Supreme Court in ***S.N. Narula v. Union of India*****,**

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reported in ***(2011) 4 SCC 591.*** The said judgment was rendered by a two-Judge Bench of the Hon'ble Supreme Court on 30.01.2004, wherein the findings of the Central Administrative Tribunal that the disciplinary authority was under an obligation to furnish the opinion of the Union Public Service Commission (UPSC) before imposing punishment were upheld. The said legal position was further elaborately considered by the Hon'ble Supreme Court in ***Union of India v. R.P. Singh***, reported in ***(2014) 7 SCC 340.*** For ready reference, paragraph 23 of the said judgment is extracted hereunder:-

> **"23. We have referred to the aforesaid decision in B. Karunakar case [ECIL v. B. Karunakar, (1993) 4 SCC 727 : 1993 SCC (L&S) 1184 : (1993) 25 ATC 704] in extenso as we find that in the said case it has been opined by the Constitution Bench that non-supply of the enquiry report is a breach of the principle of natural justice. Advice from UPSC, needless to say, when utilised as a material against the delinquent officer, it should be supplied in advance.** As it seems to us, Rule 32 provides for supply of copy of advice to the government servant at the time of making an order. The said stage was in prevalence before the decision of the Constitution Bench. After the said decision, in our considered opinion, the authority should have clarified the Rule regarding development in the service jurisprudence."
>
> (emphasis supplied)

9. On a perusal of the above ratio, it appears that the opinion of the UPSC is required to be furnished to the delinquent employee before the final order is passed. The Constitution Bench judgment of the Hon'ble Supreme Court in

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Managing Director, ECIL v. B. Karunakar**,** reported in ***(1993) 4 SCC 727,*** which deals with the furnishing of a copy of the enquiry report, was relied upon in this regard. By applying the principles laid down in the said Constitution Bench judgment, the Hon'ble Supreme Court held that, where the advice of the UPSC is relied upon as material against the delinquent officer, the same must be furnished to him in advance. Therefore, on a close reading of the above judgments, it is evident that the opinion of the TNPSC must be furnished to the employee when such opinion is relied upon against him. However, in the present case, under the applicable statutory rules, the disciplinary authority is not mandatorily required to obtain the opinion of the TNPSC, and the opinion was obtained only on a voluntary basis.

10. Furthermore, on a close perusal of the impugned order, it is evident that the disciplinary authority had already arrived at a conclusion to impose the punishment of dismissal from service. Only thereafter, and before communicating the order, the disciplinary authority obtained the opinion of the TNPSC as an advisory measure. The TNPSC, in turn, concurred with the decision already arrived at by the disciplinary authority. Therefore, as rightly contended by the learned Special Government Pleader, the non-supply of the TNPSC opinion cannot, in the circumstances of the present case, be construed as having caused any prejudice to the petitioner.

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11. In this regard, it is relevant to refer to the Constitution Bench judgment of the Hon'ble Supreme Court in ***State of U.P. v. Manbodhan Lal Srivastava*****,** reported in ***(1957) 2 SCC 759,*** wherein it was held that consultation with the UPSC and the furnishing of its advice are not mandatory requirements in the circumstances considered therein. In the present case, the disciplinary authority was not under an obligation to obtain the advice of the TNPSC. In view of the above factual circumstances, when the disciplinary authority had already arrived at a conclusion to dismiss the petitioner from service, the subsequent consultation upon the proposed punishment with the TNPSC would not, by reason of its non-supply, have caused prejudice to the petitioner. Therefore, the contention of the learned Senior Counsel that the non-supply of the TNPSC advice would vitiate the impugned order is liable to be rejected.

12. Nextly, coming to the conduct of the Enquiry Officer during the disciplinary proceedings, there is no dispute that, in the present case, no Presenting Officer was appointed and the chief-examination of the witnesses was conducted by the Enquiry Officer himself. Relying upon this factual position, the learned Senior Counsel would contend that the Enquiry Officer conducted himself as a prosecutor, thereby violating the principles of natural justice. In this regard, he relied upon the judgment of the Hon'ble Supreme

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Court in ***State of Uttar Pradesh v. Saroj Kumar Sinha***, reported in ***(2010) 2 SCC 772.*** The relevant portions of paragraphs 28, 29 and 30 of the said judgment are extracted hereunder:-

> "28. An inquiry officer acting in a quasi-judicial authority is in the position of an independent adjudicator. He is not supposed to be a representative of the department/disciplinary authority/Government. His function is to examine the evidence presented by the Department, even in the absence of the delinquent official to see as to whether the unrebutted evidence is sufficient to hold that the charges are proved. In the present case the aforesaid procedure has not been observed. Since no oral evidence has been examined the documents have not been proved, and could not have been taken into consideration to conclude that the charges have been proved against the respondents.
>
> 29. Apart from the above, by virtue of Article 311(2) of the Constitution of India the departmental enquiry had to be conducted in accordance with the rules of natural justice. It is a basic requirement of the rules of natural justice that an employee be given a reasonable opportunity of being heard in any proceedings which may culminate in punishment being imposed on the employee.
>
> 30. When a departmental enquiry is conducted against the government servant it cannot be treated as a casual exercise. The enquiry proceedings also cannot be conducted with a closed mind. The inquiry officer has to be wholly unbiased. The rules of natural justice are required to be observed to ensure not only that justice is done but is manifestly seen to be done. The object of rules of natural justice is to ensure that a government servant is treated fairly in proceedings which may culminate in imposition of punishment including dismissal/removal from service."

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13. One of the relevant factors to be considered in this regard is that the petitioner participated in the enquiry with the assistance of an Advocate. If the petitioner had any grievance regarding the Enquiry Officer conducting himself as a prosecutor, he could have raised an objection at the earliest opportunity. Having participated in the enquiry without raising any such objection, and having also failed to raise the same in his further representation before the disciplinary authority, the petitioner cannot be permitted to raise such a contention for the first time in the present Writ Petition without demonstrating any prejudice caused to him. In the circumstances of the present case, the belated plea does not establish that the conduct of the Enquiry Officer had prejudiced the petitioner's defence.

14. In ***Saroj Kumar Sinha's case*** (cited supra), the delinquent employee had raised an objection regarding the neutrality of the Enquiry Officer at the earliest opportunity. Upon examining the factual circumstances, the Hon'ble Supreme Court found that the Enquiry Officer had acted like a prosecutor and set aside the enquiry proceedings. However, in the case in hand, on a perusal of the depositions furnished along with the typed set of papers, this Court finds that, though the Enquiry Officer had put questions to the management witnesses, there is nothing to indicate that he had acted as a prosecutor.

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15. In this regard, it is appropriate to refer to the judgment of the Hon'ble Supreme Court in ***Union of India v. Ram Lakhan Sharma*****,** reported in ***(2018) 7 SCC 670.*** The relevant portions of paragraphs 31, 32, 33 and 36 of the said judgment are extracted hereunder:-

> "**31.** A Division Bench of the Madhya Pradesh High Court speaking through R.V. Raveendran, C.J. (as he then was) had occasion to consider the question of vitiation of the inquiry when the Enquiry Officer starts himself acting as prosecutor in *Union of India* v. *Mohd. Naseem Siddiqui* [*Union of India* v. *Mohd. Naseem Siddiqui*, ILR 2004 MP 821] . In the above case the Court considered Rule 9(9)(*c*) of the Railway Servants (Discipline and Appeal) Rules, 1968. The Division Bench while elaborating fundamental principles of natural justice enumerated the seven well-recognised facets in para 7 of the judgment which is to the following effect:
>
> "*7.* One of the fundamental principles of natural justice is that no man shall be a judge in his own cause. This principle consists of seven well-recognised facets:
>
> (*i*) The adjudicator shall be impartial and free from bias,
>
> (*ii*) The adjudicator shall not be the prosecutor,
>
> (*iii*) The complainant shall not be an adjudicator,
>
> (*iv*) A witness cannot be the adjudicator,
>
> (*v*) The adjudicator must not import his personal knowledge of the facts of the case while inquiring into charges,
>
> (*vi*) The adjudicator shall not decide on the dictates of his superiors or others,
>
> (*vii*) The adjudicator shall decide the issue with reference to material on record and not reference to

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extraneous material or on extraneous considerations.

If any one of these fundamental rules is breached, the inquiry will be vitiated."

32. The Division Bench further held that where the Enquiry Officer acts as Presenting Officer, bias can be presumed. Para 9 is as follows:

"*9*. A domestic inquiry must be held by an unbiased person who is unconnected with the incident so that he can be impartial and objective in deciding the subject-matters of inquiry. He should have an open mind till the inquiry is completed and should neither act with bias nor give an impression of bias. Where the Enquiry Officer acts as the Presenting Officer, bias can be presumed. At all events, it clearly gives an impression of bias. An Enquiry Officer is in position of a judge or adjudicator. The Presenting Officer is in the position of a prosecutor. If the Enquiry Officer acts as a Presenting Officer, then it would amount to Judge acting as the prosecutor. When the Enquiry Officer conducts the examination-in-chief of the prosecution witnesses and leads them through the facts so as to present the case of the disciplinary authority against the employee or cross-examines the delinquent employee or his witnesses to establish the case of the employer/disciplinary authority evidently, the Enquiry Officer cannot be said to have an open mind. The very fact that he presents the case of the employer and supports the case of the employer is sufficient to hold that the Enquiry Officer does not have an open mind."

33. The Division Bench after elaborately considering the issue summarised the principles in para 16 which is to the following effect:

"*16*. We may summarise the principles thus:

(*i*) The Enquiry Officer, who is in the position of a Judge shall not act as a Presenting Officer, who is in the position of a prosecutor.

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(*ii*) It is not necessary for the disciplinary authority to appoint a Presenting Officer in each and every inquiry. Non-appointment of a Presenting Officer, by itself will not vitiate the inquiry.

(*iii*) The Enquiry Officer, with a view to arrive at the truth or to obtain clarifications, can put questions to the prosecution witnesses as also the defence witnesses. In the absence of a Presenting Officer, if the Enquiry Officer puts any questions to the prosecution witnesses to elicit the facts, he should thereafter permit the delinquent employee to cross-examine such witnesses on those clarifications.

(*iv*) If the Enquiry Officer conducts a regular examination-in-chief by leading the prosecution witnesses through the prosecution case, or puts leading questions to the departmental witnesses pregnant with answers, or cross-examines the defence witnesses or puts suggestive questions to establish the prosecution case employee, the Enquiry Officer acts as prosecutor thereby vitiating the inquiry.

(*v*) As absence of a Presenting Officer by itself will not vitiate the inquiry and it is recognised that the Enquiry Officer can put questions to any or all witnesses to elicit the truth, the question whether an Enquiry Officer acted as a Presenting Officer, will have to be decided with reference to the manner in which the evidence is let in and recorded in the inquiry.

Whether an Enquiry Officer has merely acted only as an Enquiry Officer or has also acted as a Presenting Officer depends on the facts of each case. To avoid any allegations of bias and running the risk of inquiry being declared as illegal and vitiated, the present trend appears to be to invariably appoint Presenting Officers, except in simple cases. Be that as it may."

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> **36. Thus, the question as to whether the Enquiry Officer who is supposed to act independently in an inquiry has acted as prosecutor or not is a question of fact which has to be decided on the facts and proceedings of a particular case.** In the present case we have noticed that the High Court had summoned the entire inquiry proceedings and after perusing the proceedings the High Court came to the conclusion that the Enquiry Officer himself led the examination-in-chief of the prosecution witness by putting questions. The High Court further held that the Enquiry Officer acted himself as prosecutor and Judge in the said disciplinary enquiry. The above conclusion of the High Court has already been noticed from paras 9 and 10 of the judgment of the High Court giving rise to Civil Appeal No. 2608 of 2012."
>
> (emphasis supplied)

16. The Hon'ble Supreme Court relied upon the judgment of the Division Bench of the Madhya Pradesh High Court authored by the Hon'ble Mr.Justice R.V. Raveendran, Chief Justice, as he then was. The principle laid down therein is that the mere absence of a Presenting Officer would not, by itself, vitiate the enquiry. Whether the Enquiry Officer had acted as a Presenting Officer has to be determined with reference to the manner in which the evidence was adduced and recorded during the enquiry.

17. On a perusal of the depositions furnished along with the typed set of papers, this Court finds that, though the Enquiry Officer put certain questions to the witnesses, the answers elicited were not the result of leading questions. The

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questions were put to the witnesses to elicit a statement regarding the circumstances in which they had been cited as witnesses. Therefore, considering the fact that the petitioner did not raise any objection regarding the non-appointment of a Presenting Officer and the conduct of the Enquiry Officer, during enquiry, this Court finds no substance in the submission of the learned Senior Counsel that the Enquiry Officer acted as a prosecutor. Accordingly, the said contention is also liable to be rejected.

18. The third legal ground raised by the petitioner relates to the presence of one Jayalakshmi, the Investigating Officer, during the enquiry. It is not in dispute that the Investigating Officer was present throughout and that her signature was also obtained along with the signatures of the witnesses. However, as already observed, if the petitioner had any apprehension that her presence would influence or deter the witnesses from giving evidence, he could have objected to her presence at the time of their examination.

19. It is pertinent to reiterate that the petitioner was not left to defend his case without assistance; rather, he was ably assisted by an Advocate who was legally trained. In such circumstances, having participated in the enquiry throughout, which was conducted pursuant to the directions of the Hon'ble Supreme Court, the petitioner's attempt to raise this objection at a belated stage

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cannot be countenanced. On a consideration of the submissions made by the learned Senior Counsel, this Court finds that no serious prejudice has been demonstrated. Therefore, the contention that the presence of the Investigating Officer, Jayalakshmi, prejudiced the petitioner's defence is also liable to be rejected.

20. The next contention raised by the learned Senior Counsel for the petitioner relates to the examination of witnesses in the absence of the petitioner. In this regard, the learned Senior Counsel relied upon the enquiry report dated 21.12.2022. On a perusal of the enquiry report, it is evident that, though some of the witnesses were initially examined in the absence of the petitioner, they were re-examined in his presence immediately after he raised an objection. It is an admitted fact that the petitioner was afforded an opportunity to cross-examine those witnesses and that he cross-examined them without raising any further objection. Therefore, this Court is of the firm view that, though some witnesses were initially examined in the absence of the petitioner, they were subsequently examined in his presence and were effectively cross-examined by him. In view of the opportunity thus afforded to the petitioner, the contention regarding the examination of witnesses in his absence is liable to be rejected. Accordingly, even this legal ground also does not warrant interference with the impugned order.

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21. Coming to the factual aspect, the learned Senior Counsel for the petitioner specifically contended that there was no evidence against the petitioner and that one of the witnesses was not made available for cross-examination. As rightly pointed out by the learned Senior Counsel, one Mr.Barani Kumar did not appear for cross-examination by the delinquent employee. The learned Senior Counsel further contended that, as held by the Hon'ble Supreme Court in ***Union of India v. Gyan Chand Chattar*****,** reported in ***(2009) 12 SCC 78,*** where a delinquent employee faces a serious charge of corruption, the charge must be proved to the hilt. However, according to the learned Senior Counsel, in the present case, the disciplinary authority arrived at its conclusion merely on the basis of the preponderance of probabilities. This Court is, however, unable to accept the submission made by the learned Senior Counsel.

22. In this regard, this Court deems it appropriate to extract the relevant portions of paragraphs 20, 21, 22 and 37 of the judgment in ***Gyan Chand Chattar's case*** (cited supra), which read as follows:-

> "20. So far as Charge 6 i.e. asking for 1% commission for making the payment of pay allowances is concerned, the learned Single Judge has appreciated the evidence of all the witnesses examined in this regard and came to the conclusion that not a single person had deposed before the enquiry officer that the respondent employee had asked any person to pay 1% commission for making payment of their allowances. It was based on hearsay

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statements. **All the witnesses stated that this could be the motive/reason for not making the payment.**

21. **Such a serious charge of corruption requires to be proved to the hilt as it brings civil and criminal consequences upon the employee concerned. He would be liable to be prosecuted and would also be liable to suffer severest penalty awardable in such cases. Therefore, such a grave charge of quasi-criminal nature was required to be proved beyond any shadow of doubt and to the hilt. It cannot be proved on mere probabilities.**

22. Witnesses were examined before the enquiry officer that they have heard that the said respondent was asking but none of them **was able to point out who was that person who had been asked to pay 1% commission. One of such witnesses deposed that some unknown person had told him.** Learned Single Judge came to the conclusion that the knowledge of the witnesses in this regard was based on **"hearsay statement of some unknown persons whom they did not know". This was certainly not legal evidence to sustain such a serious charge of corruption against an employee.**

37. There could be no case of substantial misdemeanour against the respondent on either of the aforesaid charges except Charge 6 on which major penalty could be imposed. **Charge 6 is totally vague and no enquiry could be conducted against the respondent on such a charge. It was basically a case of no evidence on any charge except Charges 4 and 5.** In fact, it was a simple case where the respondent employee failed to prove to be a tactful person or possessing a high standard of administrative capability or firmness or a man possessing quality of leadership. It might be a case of his indecisiveness or lack of presence of mind. It cannot be held that any of the aforesaid charges except Charge 6, may warrant imposition of major punishment of removal. Thus, no interference is required in the matter."

(emphasis supplied)

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23. In the case in hand, the complainant, who allegedly handed over the bribe amount, was examined. The witnesses who participated in the trap proceedings were also examined. Apart from them, one of the petitioner's subordinate staff members was examined. The witnesses explained the circumstances surrounding the occurrence. Therefore, the contention of the learned Senior Counsel that there is no evidence against the petitioner and that the findings were arrived at merely on the basis of the preponderance of probabilities is liable to be rejected. Though it is well-settled principle of law that the standard of proof in disciplinary proceedings is the preponderance of probabilities, having regard to the nature of the witnesses examined and the statements made by them, this Court finds that the evidence relied upon by the management in the present case is sufficient to sustain the findings recorded by the disciplinary authority.

24. The decision in ***Gyan Chand Chattar's case*** (cited supra) was rendered in the context of its peculiar facts, wherein the witnesses were hearsay witnesses, the charges were vague and the witnesses relied upon were not competent to establish the factual allegations. However, the facts of the present case are entirely different. Therefore, the said judgment is distinguishable and is not applicable to the facts of the present case.

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25. Though the learned Senior Counsel relied upon the recent judgment of the Hon'ble Supreme Court in ***Jai Prakash Saini v. Managing Director, U.P. Cooperative Federation Ltd. & Ors.***, reported in ***2026:INSC:305,*** to contend that witnesses must be examined to prove the documents, in the present case, the witnesses connected with the relevant documents were examined before the disciplinary authority. Therefore, the said judgment does not advance the case of the petitioner.

26. The learned Senior Counsel also relied upon the non-supply of the video footage. It is incumbent upon the management to furnish the documents relied upon by it to establish the charges. In the present case, the video footage was not within the custody or control of the management but was in the possession of the Police Officials. Further, the management did not rely upon the said video footage in support of the charges. In such circumstances, the petitioner cannot insist that the management should produce a document that was neither relied upon by it nor within its custody or control. Therefore, the contention that prejudice was caused to the petitioner on account of the non-supply of the video footage is also liable to be rejected.

27. Though the learned Senior Counsel relied upon various judicial precedents on the legal issues, the said precedents would not come to the aid of

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the petitioner, as the facts of the present case are distinguishable. In this regard, it is relevant to refer to the judgment of the Hon'ble Supreme Court in ***Bharat Petroleum Corporation Ltd. v. N.R. Vairamani***, reported in ***(2004) 8 SCC 579,*** wherein it has been held that even one different fact may make world of difference. Coming to the question of punishment, this Court, having arrived at the conclusion that the charge of corruption is proved, any punishment lesser than dismissal from service would be inadequate. Therefore, the question of interfering with the punishment imposed also does not arise.

28. Apart from the above contentions, the learned Senior Counsel relied upon several circumstances to contend that the findings recorded by the disciplinary authority are perverse. However, on a perusal of the report of the disciplinary authority as well as the report of the Enquiry Officer, this Court is unable to find any perversity in the findings recorded. Even if any of the submissions made by the petitioner were to warrant a different view, the same would, at best, lead to an alternative possible conclusion. Such a possibility, by itself, would not constitute a ground for interference with the impugned order in the exercise of the power of judicial review. To put it precisely, there is no perversity in the impugned order.

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29. In view of the foregoing discussion, this Court is of the firm view that no grounds have been made out to interfere with the impugned order. Accordingly, the present Writ Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed. There shall be no order as to costs.

30 -10-2026

Index: Yes
Speaking order
Neutral Citation: Yes

KV

To

1. The State of Tamil Nadu
Rep. by its Principal Secretary to Government,
Home (Police) (XVII) Department,
Fort St.George, Secretariat, Chennai 600 009.

2. The Director
Department of Fire and Rescue Service,
No.17, Rukmani Lakshmipathy Road, Egmore,
Chennai-600 008.

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C.KUMARAPPAN J.

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Pre-Delivery Order in
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