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WP No. 5896 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-04-2026

CORAM

THE HON'BLE MS. JUSTICE P.T. ASHA

WP No. 5896 of 2025

and

WMP No.6471 of 2025

M.Syed Mohamed

..Petitioner(s)

Vs

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise (XV)
Department,
Fort St. George, Chennai-9.
2. The Principal Secretary to Government
Social Welfare and Women Empowerment
Department,
Fort St. George, Chennai-9.

..Respondent(s)

Prayer: Writ petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, calling for records relating to the order of the 1st respondent made in G.O.Ms.No.126, Home (OP-1) Department dated 17.03.2023 as confirmed by the order of the 2nd respondent in and by G.O.(3D)No.07, Social Welfare and Women Empowerment (OP) Department dated 22.08.2024, to quash the same and to consequently direct the respondents to extend all accrued service benefits thereto.

For Petitioner(s):

Mr.L.Chandrakumar

For Respondent(s):

Mr.P.Balathandayutham, Spl.GP



ORDER

This Writ petition has been filed seeking quashment of the order of the 1st respondent made in G.O.Ms.No.126, Home (OP-1) Department dated 17.03.2023 as confirmed by the order of the 2nd respondent in and by G.O. (3D)No.07, Social Welfare and Women Empowerment (OP) Department dated 22.08.2024 and to consequently, direct the respondents to extend all accrued service benefits thereto.

2. It is the case of the petitioner that he was selected and directly recruited as Assistant Section Officer on 30.12.2009 and was posted in the first respondent office. While discharging duties, on 30.09.2017, when he returned to the first respondent department after completing his deputation in Revenue Department, a complaint of sexual harassment appears to have been made against the petitioner by one of his colleague namely Praveena that he had committed an offence of stalking and making indecent remarks. The said complaint was placed before the Internal Complaints Committee (ICC) which by its report dated 26.09.2019, concluded the allegation against the petitioner was proved resulting in he being placed under suspension vide G.O.Ms.No.45 dated 17.02.2020 and imposed a punishment of withholding of increment for five years with cumulative effect. Being aggrieved by the penalty which suffers various infirmities and irregularities, the petitioner preferred an appeal before



the respondents 1 and 2. However, the second respondent vide order dated 22.08.2024 rejected the appeal along with the copy of the opinion of the TNPSC without affording opportunity to the petitioner confirming the order dated 17.03.2023 passed by the first respondent imposing punishment of withholding increment for five years with cumulative effect. Challenging the said orders passed by the respondents, the present writ petition has been filed.

3. The counter affidavit filed by the respondents reads as follows:

3.1. The disciplinary authority, in the order passed vide G.O.Ms.No.126, Home Department, dated 17.03.2023, explicitly took note of the trial Court's judgment, including the Cr.P.C. 161 statement of one of the witnesses. Moreover, the appellate authority also adequately considered the judgment of the trial Court, specifically addressed it in the impugned order. Thus, the contention of the petitioner regarding non-consideration of the judgment of the trial Court is wholly incorrect.

3.2. The impugned orders clearly demonstrate independent application of mind by the appellate authority, meticulously addressing each ground raised under Rule 23 of Tamil Nadu Civil Services (Discipline and Appeal) Rules. The appellate authority has given detailed and reasoned findings, elaborately explaining the reasons for rejecting the petitioner's appeal. Thus, the opinion of TNPSC, though obtained, was not the decisive factor and hence non-serving of



the same does not vitiate the impugned order.

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3.3. It is abundantly clear from the procedural history of the inquiry conducted by the ICC that the petitioner actively participated in the proceedings without any demur or objection regarding the procedural aspects. Thus, the allegation by the petitioner that the charges under Rule 17(b) were not framed and that the procedures were not properly adhered to is manifestly misconceived and baseless. Hence, the impugned orders were passed with proper reasoning and the petitioner's contention that the impugned order suffers from non-application of mind is denied.

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

5. The charge against the petitioner is that there was a complaint of sexual harassment against him by a colleague, in that, the petitioner had committed an offence of stalking and indulged in indecent remarks, thereby, infringing the modesty of the lady in question.

6. The genesis for this complaint is the fact that the petitioner has posted the photograph of the said lady on his facebook page without her consent. A criminal complaint came to be filed in Cr.No.286 of 2019 and it was taken up



by the III Metropolitan Magistrate Court, George Town, Chennai in C.C.No.382 of 2020. By order dated 28.06.2022, the petitioner was acquitted since the Court

had come to the conclusion based on evidence that the photograph had been sent by the complainant herself to the petitioner's whatsapp. However, her permission was not sought before it was uploaded in the facebook page of the petitioner.

7. The learned Judge held that there was no stalking or sexual harassment and at best, it was only a misdemeanour. Similar was the observation of the Internal Complaints Committee. However, the second respondent had proceeded to impose the punishment of withholding of increment for five years with cumulative effect by stating that the petitioner's act had brought about disgrace and dispute to the image of the complainant who was the former Assistant Section Officer and now, Section Officer amongst her colleagues and this act attracts Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 as well as Rule 20B of Tamil Nadu Government Servants Conduct Rules. The subsequent appeal to the first respondent by the petitioner was also dismissed and the punishment was upheld.

8. The criminal Court has clearly found on evidence that the photograph has been forwarded by the complainant to the petitioner. Therefore, the procurement of the photograph is not through any illegal way. The fault on the



part of the petitioner is that, he had posted her photograph as his facebook page.

This has been done without her consent. This definitely is a misdemeanour, which has to be punished considering the fact that he is a public servant, however, the punishment of withholding five years increment with cumulative effect appears to be rather disproportionate to the charge in question. Therefore, the writ petition is **partly allowed**. The punishment is modified as one of withholding of increment for five years **without cumulative effect**. Consequently, connected miscellaneous petition is closed. No costs.

06-04-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To:

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise (XV) Department,
Fort St. George, Chennai-9.
2. The Principal Secretary to Government
Social Welfare and Women Empowerment Department,
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