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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-06-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

WA No. 1345 of 2023

and

CMP No. 13148 of 2023

1. The Government of Tamil Nadu
Rep.by The Principal Secretary to
Government, Health And Family Welfare
Department, Fort St. George, Chennai-9
2. The Director of Medical and Rural Health
Services,
Chennai-600006

..Appellant(s)

Vs

R.Alagirisamy
9/872, Sri Arvind Nagar, Kalampalayam,
Coimbatore-641 010,
Coimbatore Dist.

..Respondent(s)

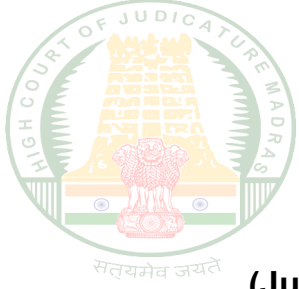
WA No. 1345 of 2023

Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order dated 30.08.2022 made in WP No.16164/2010 and allow the above WA

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For Appellant(s): Dr.R.Gouri, Government Counsel

For Respondent(s): Mr.V.Jothi Shankar for
Mr.P.Rajendran



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Judgment**(Judgment of the Court was delivered by S.M.Subramaniam J.)**

The State preferred the present intra-Court Appeal to set aside the writ order dated 30.08.2022 passed in W.P.No.16164 of 2010.

2. The respondent herein instituted the writ proceedings challenging the order of punishment dated 08.07.2008 passed by the Director of Medical and Rural Health Service imposing a punishment of stoppage of increment for one year without cumulative effect.

3. The respondent was holding the post of Office Superintendent and remained unauthorisedly absent and to cover up the misdeeds, he had tampered the attendance register by putting his signature on absent days and marked as "A" by the Medical Officer. The figures entered in closure of attendance would corroborate evidence to prove that the respondent had signed the attendance register after it was marked absent against his name, as the figures do not tally with the number of persons attended the duty. Since the respondent remained unauthorisedly absent and tampered the attendance register, a charge memo under Rule 17(a) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, have been framed. Since the summary proceedings are contemplated under the Discipline and Appeal Rules in respect of the charge framed under Rule 17(a), the show cause

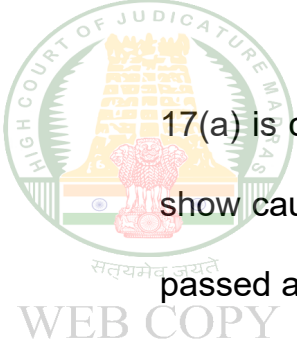


notice dated 15.02.2008 was issued to the respondent to provide him an opportunity to defend his case. The respondent submitted his written explanation on 20.03.2008 and 21.05.2008.

4. The Director of Medical and Rural Health Service considered his explanation and passed an order imposing the penalty of stoppage of increment for one year without cumulative effect. Further, the disciplinary authority, in the order of punishment has stated that the respondent is free to prefer an appeal to the Government within two months of the receipt of the punishment order. The order of punishment was appealed and the same was confirmed by the appellate authority.

5. The Writ Court allowed the writ petition mainly on the ground that no enquiry has been conducted in the present case and no sufficient opportunity was granted to the respondent. Per contra, the appellants issued only show cause notice and passed the impugned order of punishment.

6. The Writ Court has not considered the distinction for conduct of disciplinary proceedings under Rule 17(a) for minor penalty and under Rule 17(b) for major penalty. If any charge memorandum has been issued under Rule 17(b) of the Discipline and Appeal Rules, then a detailed departmental enquiry is to be conducted by appointing an Enquiry Officer and by following the procedures. As far as the disciplinary proceedings initiated under Rule



17(a) is concerned, summary proceedings are contemplated and by issuing a show cause notice and on receipt of the explanation, the disciplinary authority passed a final order which is in consonance with the procedures contemplated under Rule 17(a) of the Discipline and Appeal Rules.

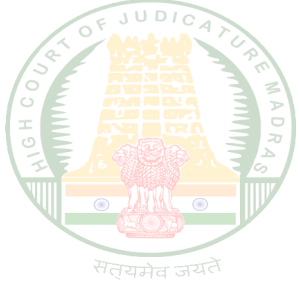
7. For better understanding, the procedures contemplated under Rule 17(a) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, are extracted hereunder.

“Rule 17(a): procedure to be followed to impose minor penalties:-

In every case where it is proposed to impose on a member of a service or a person holding a civil post under the State any of the penalties specified in items (i), (ii), (iii), (v) and (ix) in Rule 8 or in Rule 9, he shall be given a reasonable opportunity of making any representation that he may desire to make and such representation, if any, shall be taken into consideration before the order imposing the penalty is passed:

Provided that the requirements of this sub-rule shall not apply where it is proposed to impose on a member of a service any of the penalties aforesaid on the basis of facts which have led to his conviction by a Court martial or where the officer concerned has absconded or where it is for other reason impracticable to communicate with him:

Provided further that, in every case where it is proposed, after considering the representation, if any, made by the Government servant, to withhold



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increments of pay and such withholding of increments is likely to affect adversely the amount of pension payable to the Government servant or to withhold increments of pay without cumulative effect for a period exceeding 3 years or to withhold increment of pay with cumulative effect for any period, the procedure laid down in sub-rule (b) shall be followed before making any order imposing on the Government servant any such penalty.”

8. In view of the facts that the procedures as contemplated under Rule 17(a) of the Discipline and Appeal Rules has been followed in the present case, conduct of detailed enquiry would not arise at all. Thus, the writ order impugned is set aside and the Writ Appeal stands allowed. No costs. Consequently, connected miscellaneous petition stands closed.

(S.M.S.,J.) (N.S.,J.)
15-06-2026

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

VSI

To

R.Alagirisamy
9/872, Sri Arvind Nagar, Kalampalayam,
Coimbatore-641 010, Coimbatore Dist.



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**S.M.SUBRAMANIAM J.
and
N.SENTHILKUMAR J.**

vsi

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