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WA No. 3808 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-01-2026

CORAM

THE HON'BLE MR JUSTICE R. SURESH KUMAR

AND

THE HON'BLE MR.JUSTICE SHAMIM AHMED

WA No. 3808 of 2025

AND CMP NO. 31360 OF 2025

1. The Additional Chief Secretary
Labour and Skill Development Department,
Fort St. George, Chennai - 600 009.
2. The Director, Department of Employment and
Training Industrial Estate, Alandur Road, Guindy,
Chennai - 600 032.
3. The Additional Director(Craftsman Training),
Department of Employment and Training Industrial
Estate, Alandur Road, Guindy, Chennai - 600 032.

..Appellants

Vs

M. Ravichandran
S/o.M.Murugesan, No.79,
Sri Nagar Colony Main Road, Chinna Tirupathi,
Salem- 8.

..Respondents

Prayer : Writ Appeal under Clause XV of the Letters Patent to set aside the order in
WP No.30412 of 2022 dated 30.01.2024.

For Appellants :

Mr.P.Muthukumar
Additional Advocate General
assisted by Mr.S.John J Rajasingh
Additional Government Pleader

For Respondent :

Mr.C.Prakasam



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Judgment

(Judgment of the Court was delivered by R.Suresh Kumar J.)

This intra Court appeal has been directed against the order passed by the Writ Court made in W.P.No.30412 of 2022 dated 30.01.2024.

2. The respondent was the writ petitioner, who was initially appointed as Junior Training Officer at the appellant Department. Thereafter, promotions have been earned by him and ultimately he became the Principal of the Industrial Training Institute (ITI) at Salem. He had been given in-charge of the Mettur Dam Government ITI as additional incharge.

3. When he joined in the said institute, already there has been selection and appointment process for the post of Driver, for which interview originally was fixed by the predecessor of the writ petitioner / respondent on 20.11.2025 and thereafter it has been rescheduled to 23.11.2025. On that date, interview was conducted. Among the interviewed candidates, one G.Sankar Mahesh was selected and appointed as Driver.

4. This episode of making the selection for the post of Driver at the Government ITI at Mettur Dam triggered the appellant Department to initiate disciplinary action against the writ petitioner by issuing a charge memo. Though an



enquiry was conducted, the enquiry officer has given a report that the charge was not proved. The appellant department did not stop with that. They issued a charge memo for the second time. This time also, after conducting the enquiry the enquiry officer gave a report that the charge is not proved. However, the disciplinary authority, while exercising his power *suo motu*, issued a notice as if that the first charge has been proved according to his conscience. Therefore, the punishment of stoppage of increment for a period of six months without cumulative effect has been imposed on the writ petitioner. As against the said order, the writ petition has been preferred.

5. The learned Writ Court, after considering the factual matrix found that admittedly the writ petitioner was not issued with second show cause notice before passing the order of punishment and that, when the disciplinary authority differed with the enquiry report, the delinquent must be served with a show cause notice, however the delinquent was not served with second show cause notice indicating the punishment to be imposed. Mainly on that ground, the writ petition was allowed and the punishment imposed was set aside.

6. Assailing the order impugned, the learned Additional Advocate General appearing for the appellant Department would submit that, the very appointing authority itself is the Joint Director and not the Principal. Therefore, the very



selection and appointment made in respect of the post of Driver is a flawed one.

Therefore, this is a clear case where the charges framed against the writ petitioner since has been proved, he is liable to be punished and such a power is vested with the disciplinary authority and having exercised such power, he has inflicted the punishment, that too a very minimum punishment of stoppage of increment without cumulative effect. The same since has not been considered in proper perspective by the Writ Court, the order impugned is liable to be interfered with. He also added that, the second show cause notice also has been issued and therefore that reason cannot be attributable for the purpose of setting aside the impugned order of punishment.

7. We are not impressed with the said submission by the learned Additional Advocate General for the simple reason that, insofar as the selection and appointment made for the post of Driver is concerned, it was not initiated on his own by the writ petitioner. In fact, the process was initiated by his predecessor and when he joined as Principal as Additional in-charge of the institute concerned, the date has already been fixed for the interview. Since he joined only on 16.11.2015, the date of interview was rescheduled to 23.11.2015. The candidates who had already been sponsored by the employment exchange had attended the interview and among them one G.Sankar Mahesh was selected and ultimately he joined the said post.



8. It is to be noted that, even though the power of appointment according to the learned Additional Advocate General is vested with the Joint Director, after getting the nod from the Joint Director only the Principal ie., the writ petitioner has conducted the interview and appointed the selected candidate and hence that ground cannot be taken by the appellant Department. Moreover, if that is the reason to construe that the selection as a flawed one, immediately such selection could have been withdrawn or cancelled by the disciplinary authority.

9. However, so far the selection has not been set aside and the person who has been selected, has been working as Driver. This itself shows that the selection cannot be said to be a flawed one and therefore the selectee since has been permitted to work and is continuing to work it cannot be attributable on the part of the writ petitioner as if that he was instrumental in making such flawed selection.

10. Moreover, since he writ petitioner has joined duty only on 16.11.2015 and the interview date, which has been earlier scheduled as 20.11.2015, was rescheduled to 23.11.2015, and among the interviewed persons one G.Sankar Mahesh has been selected, we do not find that any procedural violation is committed by the writ petitioner / respondent. That is the reason why even in spite of two charge memos being issued against the writ petitioner, both times the enquiry officer had given a report stating that the charges have not been proved. When that



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being the position, absolutely there has been no reason or rhyme to invoke *suo motu* power vested with the disciplinary authority to inflict the punishment against the writ petitioner without any basis.

11. Therefore, there is every justification on the part of the writ Court in allowing the writ petition by setting aside the impugned order inflicting punishment against the writ petitioner. We do not find any reason to interfere with the said approach and conclusion reached by the writ Court. Accordingly, the writ appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(R.S.K.,J.) (S.S.A.,J.)
09-01-2026

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

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