IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2026

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THE HONOURABLE Mr.JUSTICE **C.KUMARAPPAN**

W.P.No.28246 of 2015
and
M.P.No.1 of 2015

V.K.Dhanasekaran ... Petitioner

Vs.

1. Government of Tamil Nadu,
Represented by Principal Secretary to Government,
Commercial Taxes and Registration Department,
Secretariat, Chennai – 600 009.

2. The Inspector-General of Registration,
Chennai – 600 028. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the orders in (1) Pro.No.22072/B2/2012 dated 12.05.2014 of the second respondent and (2) G.O. (D) No.249, Commercial Taxes and Registration (K) Department, dated 06.07.2015 of the first respondent (3) Pro.No.47427/A5/2013 dated 13.01.2014 of the second respondent, to quash orders (1) and (2) in its entirety and to quash order (3) insofar as it relates to non-inclusion of name of the petitioner in the Panel for 2013-14 for promotion as Sub-Registrar, Grade II and to issue consequential directions to the Sub-Respondent to include the name of the petitioner in the said panel below Sl.No.22 and above Sl.No.23 and promote him as Sub-Registrar, Grate II, with retrospective effect from the date of promotion of his immediate junior in the panel and issue further directions to regularise the spells of leave between 31.10.2011 to 29.02.2012.

For Petitioner	: M/s.S.Subhiksha
For Respondents	: Mr.U.M.Ravichandran, Special Government Pleader

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<u>O R D E R</u>

The present Writ Petition has been filed challenging the impugned order passed by the Disciplinary Authority dated 12.05.2014 and the consequential order passed by the Appellate Authority dated 06.07.2015.

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

3.The learned counsel for the petitioner would submit that the petitioner was issued with a show cause notice by the second respondent under Rule 17(a) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules (hereinafter referred to as "the Rules") on 31.05.2012, to which the petitioner had submitted his explanation on 18.07.2012. Not being satisfied with the said explanation, the second respondent framed charges under Rule

17(a) of the Rules on 02.05.2013. The learned counsel would further submit that the reasons assigned in the Earned Leave application and the language of the explanation were unnecessarily taken adverse to the petitioner.

3.1. It is the specific contention of the learned counsel for the petitioner that though the Enquiry Officer rendered a finding that Charge 1 was not proved, the Disciplinary Authority, without any valid ground, disagreed with the said findings. It is further submitted that whenever the petitioner availed leave, prior permission had been obtained and therefore, the finding of the Disciplinary Authority imposing the punishment of censure is unwarranted. It is also contended that even the Appellate Authority, without independently considering the grounds raised, mechanically confirmed the punishment of censure and such approach is not in consonance with service jurisprudence. Hence, prayed to interfere with the impugned orders.

4.Per contra, the learned Special Government Pleader appearing for the respondents would stoutly oppose the said submissions and contend that though the Enquiry Officer had given certain findings, the Disciplinary Authority, based on the materials available on record, has rightly disagreed with the same, as the very factum of sending the leave application through post would evidently prove the absence of prior permission. It is further submitted that the language used in the explanation was disrespectful in nature, thereby the charge of insubordination is proved. Therefore, the findings rendered by the Disciplinary Authority as well as the Appellate Authority are in accordance with law and do not warrant interference under Article 226 of the Constitution of India. Hence, he prayed for dismissal of the writ petition.

5.I have given my anxious consideration to either side submissions.

6.Before we delve into merits of the matter, it is appropriate to discuss the contours of the judicial review. The power of judicial review is very much limited and can be exercised with great care and caution. Judicial review is not like an appellate remedy to re-appreciate the evidence; this Court would like to refer to the following judgements:-

(i) ***B.C.Chaturvedi Vs. Union of India*** reported in ***(1995) 6 SCC 749***

(ii) ***Deputy General Manager (Appellate Authority) Vs. Ajai Kumar Srivastava*** *reported in* ***(2021) 2 SCC 61.***

(iii) ***The Indian Oil Corporation & Ors., Vs. Ajit Kumar Singh & Anr.,*** *reported in* ***2023 LiveLaw (SC) 478.***

Through the above judgements, the following principles are emerging:-

(i) Power of Judicial review is not like an appeal. But such power is meant to ensure that the individual receives fair treatment and the compliance of natural justice.

(ii) The power of judicial review is not like an appellate remedy to substitute its own finding, unless the findings of the Original Authority and Appellate Authority is perverse and without evidence.

(iii) The High Court had no jurisdiction to review the penalty, unless the same is shockingly disproportionate.

(iv) The mere possibility to arrive at yet another finding, cannot be a reason to substitute the finding of the disciplinary Authority.

(v) The judicial review is meant only to ensure fairness in treatment and not to ensure fairness of conclusion.

(vi) While exercising the power of judicial review, so long as there is some evidence to support the conclusion arrived at by the original authority, the same has to be sustained.

According to the above ratio, what this Court can do in judicial review is determine whether the enquiry was conducted by following the principles of natural justice, whether the findings are based on available evidence, and whether the findings are perverse.

7.On a perusal of the charges, it is seen that the petitioner was proceeded against departmentally for unauthorised absence, as well as for using improper and disrespectful language against the officials in the explanation. Though the Enquiry Officer had given a finding in favour of the petitioner in respect of first charge, the Disciplinary Authority, on an independent consideration of the records, has arrived at a conclusion that both the charges were proved, and held that the petitioner had applied for leave without obtaining prior permission, as his leave application was sent only through post. The said reasoning cannot be said to be perverse. Further, with regard to the tenor of language employed in the explanation, the Disciplinary Authority has recorded a finding that the same was disrespectful in nature. Such factual findings, based on available materials, do not call for interference in exercise of judicial review. Further, even if we accept the argument of the petitioner, we could only arrive at yet another finding, which cannot be substituted in the place of the findings of the disciplinary authority. Accordingly, there is no scope to interfere with the impugned orders.

8.In view of the foregoing discussion, this Court is of the considered view that there is no perversity in the findings rendered by the Disciplinary Authority as well as the Appellate Authority. The punishment imposed is only a minimum punishment of censure and the same cannot be termed as shockingly disproportionate so as to warrant interference by this Court. Accordingly, the present writ petition is liable to be dismissed.

9.In the result, this Writ Petition stands dismissed. Consequently, the connected Miscellaneous Petition is closed. No costs.

05.02.2026

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Index : Yes
Speaking order
Neutral Citation : Yes

To

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C.KUMARAPPAN, J.

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