IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-06-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

Writ Appeal No.1180 of 2026
and
C.M.P.No.11705 of 2026

K.Punithavel
S/o.Kasinathan

..Appellant

Vs

1. The Secretary,
   The Commercial Tax and Registration Department,
   Secretariat Building,
   Chennai – 600 009.

2. The Inspector General of Registration,
   No.100, Santhome High Road,
   Chennai – 600 028.

3. The Secretary,
   Tamil Nadu Public Service Commission,
   Braser Bridge Road,
   Chennai – 600 003.

..Respondents

Writ Appeal filed under Clause XV of the Letters Patent against the order passed in W.P.No.41848 of 2016 dated 17.11.2025.

For Appellant : Mr.Ma.Gouthaman

For Respondents : Dr.R.Gouri,
Government Counsel [R1 & R2]

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JUDGMENT

(Delivered by S.M.Subramaniam J.)

The present intra-court appeal has been instituted under Clause XV of the Letters Patent challenging the writ order dated 17.11.2025 passed in W.P.No.41848 of 2016.

2. The appellant was holding the post of Assistant in the office of Inspector General of Registration. Departmental disciplinary proceedings was initiated against him and a charge memorandum under Rule 17(a) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules was initiated *vide* proceedings dated 07.10.2011. The appellant submitted his explanation on 14.11.2011. Since proceedings are initiated for minor punishment, the summary procedure as contemplated under the Tamil Nadu Civil Services (Discipline and Appeal) Rules was followed and a final order was passed by the Inspector General of Registration in proceedings dated 20.01.2012 imposing punishment of stoppage of increment for one year without cumulative effect. Challenging the said order, the appellant preferred an appeal to the Government. The Government rejected the appeal in G.O.(D) No.203, Commercial Taxes and Registration (K) Department dated 28.05.2014. Thus, the writ petition came to be instituted.

3. Learned counsel for the appellant would mainly contend that the Tamil Nadu Public Service Commission has passed an order setting aside the

punishment and therefore, the contrary order passed by the Government rejecting the appeal is untenable. That apart, before passing the order of rejection, the Government ought to have afforded an opportunity to the appellant for submitting his explanation. On these grounds, the writ Court ought to have allowed the writ petition.

4. Learned Government Counsel would oppose by stating that the proceedings under Rule 17(a) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules is a summary proceeding and therefore, no enquiry needs to be conducted. Show cause notice was issued and the explanation of the delinquent officer was considered and minor punishment of stoppage of increment for one year without cumulative effect was imposed and thus, the procedure contemplated under the Tamil Nadu Civil Services (Discipline and Appeal) Rules was followed. There is no separate procedure contemplated for affording further opportunity in the appeal, which was decided by the Government based on the explanation as well as the final order passed by the disciplinary authority and thus, the writ Court has rightly rejected the petition filed by the appellant.

5. This Court has considered the rival submissions made by the parties to the *lis* on hand.

6. Rule 17(a) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules contemplates the following procedure for imposing minor penalties:

> "**Rule 17(a): Procedure to be followed to impose minor penalties:-**
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> 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:
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> Provided further that, in every case where it is proposed, after considering the representation, if any, made by the Government servant, to withhold 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."

7. In the present case, the disciplinary authority framed charges under Rule 17(a) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules. Opportunity was afforded to the appellant to submit his explanation and the appellant has also submitted his explanation. The disciplinary authority considered the defence submission and passed final orders imposing minor penalty of stoppage of increment for one year without cumulative effect. There is no separate procedure contemplated for affording further opportunity in an appeal, if any, filed before the Government. The Government decided the appeal by calling for the file from the disciplinary authority and by considering

the merits involved. Therefore, the ground raised by the appellant that no opportunity was given is untenable and it was neither contemplated under the Rules nor would be violative of rules of natural justice. Rules of natural justice is not an empty formality and in respect of summary proceedings, opportunity given by the disciplinary authority on the charges framed would be sufficient and is in compliance with the rules and that being the factum, the writ Court has rightly considered the issue in the context of the procedures contemplated under Rule 17(a) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules.

8. Learned counsel for appellant would rely on the order passed by the Tamil Nadu Public Service Commission, which was communicated to the Secretary to Government, Commercial Taxes and Registration Department.

9. A perusal of the said proceedings would show that it is an inter-departmental proceedings and not communicated to the appellant. It is an opinion sought for by the Government from the Tamil Nadu Public Service Commission and the Tamil Nadu Public Service Commission offered its opinion to the Government *vide* letter dated 17.09.2012 and such opinion of the Tamil Nadu Public Service Commission is not binding on the Government. The Government is empowered to take an independent decision in disciplinary matters and such an opinion offered by the Tamil Nadu Public Service Commission would not confer any right to the delinquent to seek exoneration from the charges. That apart, such departmental proceedings, which is

S.M.SUBRAMANIAM, J.
AND
N.SENTHILKUMAR, J.
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confidential cannot be relied upon for the purpose of assailing the punishment orders passed by the original authority and confirmed by the appellate authority. In view of the above factual and legal position, the present writ appeal is devoid of merits.

Accordingly, the writ appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(S.M.S.,J.) **(N.S.,J.)**
02-06-2026

Index: Yes
Speaking order
Neutral Citation: Yes

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