



W.P. No.15295 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 04.02.2026

PRONOUNCED ON : 24.02.2026

CORAM :

THE HONOURABLE MR. JUSTICE C.V. KARTHIKEYAN
and
THE HONOURABLE MRS. JUSTICE K. GOVINDARAJAN THILAKAVADI

W.P. No.15295 of 2024

P. Kuppusamy

... Petitioner

Vs.

1. Union of India

Represented by the Postmaster General,
Chennai City Region (TN)
Chennai 600 002.

2. The Superintendent of Post Offices,

Thiruvannamalai Division,
Thiruvannamalai 606 601.

3. The Inspector of Posts,

Chengam Sub Division,
Chengam 606 701.



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4. Assistant Superintendent of Post Offices (Hqrs),

& Ad-hoc Disciplinary authority,

O/o. The Superintendent of Post offices,

Thiruvannamalai Division,

Thiruvannamalai 606 601.

5. The Central Administrative Tribunal,

Madras Bench,

Represented by its Registrar,

Chennai 600 104.

... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, praying to issue an order or direction or writ and in particular a Writ of Certiorari, calling the records pertaining to the order of 5th respondent Tribunal made in O.A. No.310/00657/2014 dated 02.06.2022 and quash the same, consequently direct the respondents 1 to 4 to settle all the retirement service benefits to the petitioner as if he retired from service on attainment of 65 years of age with effect from 06.02.2016.

For Petitioner : Mr. R. Malaichamy

For Respondents : Mr. K. Ramanamoorthy,
Senior Panel counsel for R1 to R4.
R5 - Tribunal



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ORDER

(Order of the Court was delivered by K. GOVINDARAJAN THILAKAVADI, J.)

This Writ Petition has been preferred by the petitioner praying to issue a Writ of Certiorari, calling the records pertaining to the order of the 5th respondent Tribunal made in O.A. No.310/00657/2014 dated 02.06.2022 and quash the same, consequently direct the respondents 1 to 4 to settle all the retirement service benefits to the petitioner as if he retired from service on attainment of 65 years of age with effect from 06.02.2016.

2. The brief facts of the case submitted by the applicant before the learned Central Administrative Tribunal are as follows:

2.1. The applicant was initially appointed as Gramin Dak Sevak Mail Deliverer (in short 'GDS MD') at Rayandapuram Branch Post Office a/w Tanipadi SO. He was working on regular basis continuously for about 33 years. Now the applicant is 64 years old. At the age of 61, he was entrusted additional duty of Branch Post Master (in short 'BPM') by the 3rd Respondent on combination of duty. He expressed his inability to carry out the duty of



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BPM and requested to appoint a substitute, but was told that they would arrange for alternative within a short period. But, the respondents did not arrange the same.

2.2. The depositor made deposit amounts of Rs. 250, 250 and 250 on 11.08.2011 and 03.09.2011 respectively towards her RD Account to the ex-BPM who was placed under put off but, was not informed to the applicant. Further, due to heavy work, the applicant could not deliver the Speed Post articles and registered articles. Therefore, the applicant was charge sheeted by the 4th respondent vide Memo dated 27.3.2012. The oral evidence tendered during formal inquiry on 08.06.2012 was not recorded by the Inquiry Officer instead recorded the alleged admission of the charges by the applicant and submitted a report to the 4th respondent. The applicant did not admit the charges, therefore, he has submitted a detailed written statement to the Presenting Officer's brief and to the inquiry report. Under such circumstances, the disciplinary authority ought to have ordered for fresh inquiry by affording reasonable opportunity to the applicant. The 4th respondent was not vested with power to act as disciplinary authority to the applicant since the applicant was ordered to work as BPM. The 4th Respondent without considering the



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various points raised by the applicant against the report of the inquiry officer, removed the applicant from engagement. The appeal and revision petition preferred by the applicant to the authorities ended in failure. Hence, he was constrained to prefer an application before the learned Central Administrative Tribunal.

3. The respondents have filed a detailed reply statement before the learned Central Administrative Tribunal, which are as follows:

3.1. The applicant while working as GDS MD, Rayandapuram BO a/w Tanipadi SO, was ordered to look after the duties of BPM on combination temporarily w.e.f. 1.8.2011, as the regular incumbent of the post was placed under 'put off duty' in connection with irregularities committed in RD accounts. While carrying out the cent percent verification of the BO, it was revealed that the applicant has also committed some irregularities. Pending detailed investigation, the applicant was also placed under 'put off duty' with effect from 24.12.2011. After investigation, charge sheet under Rule 10 of GDS (Conduct and Engagement) Rules 2011 was issued by the 4th respondent viz Assistant Superintendent of Post Offices, Tiruvannamalai Division vide



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memo No. ADA/PKS/2012 dated 27.03.2012. Though the 3rd Respondent is the appointing authority for the applicant, since he was a material witness in the case, the 4th respondent was appointed as Adhoc Disciplinary Authority to initiate disciplinary proceedings against the applicant.

3.2. The articles of charges framed against the applicant are:

ARTICLE I: The applicant while working as GDSMD, Rayandapuram BO a/wTanipadi SO and looking after the duties of the GDSBPM of the BO, has accepted deposits to the total of Rs. 750/- in RD A.c No. 560785 on 11.8.2011 & 3.9.2011, but did not bring into account and utilized the amount towards his personal expenses.

Article II: The applicant while working as GDSMD, Rayandapuram BO a/wTanipandi SO and looking after the duties of the GDSBPM of the BO, on 23.8.2011, received one Speed Post letter No. EM 644729050 IN booked at SSBPC Mumbai 400 070 addressed to Shri G. Kumarasamy, Thonadmanur Village, Rayandapuram for delivery, but neither delivered the article nor returned the same to the sender.



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ARTICLE III: The applicant while working as GDSMD, Rayandapuram BO

a/w Tanipaid SO and looking after the duties of the GDSNPM of the BO, on 26.11.2011 received one Speed Post letter No. ET 929110758 IN booked at Annamalainagar addressed to Shri E. Sathiyamoorthy, Vijayapur Village, Rayandapuram for delivery, but neither delivered the article nor returned the same to the sender;

ARTICLE IV: The applicant while working as GDSMD, Rayandapuram BO

a/w Tanipadi SI and looking after the duties of the GDSBPM of the BO, received two registered letters viz., RL No. No. RT 008327834 IN booked at Vengikkal and RL No. RT 012127542 IN booked at Tiruvannamalai addressed to Shri Pandian, Gounder Street, Vijayappanur Village, Rayandapuram for delivery, but neither delivered the articles nor returned the same to the senders.

3.3. The applicant, having received the charge sheet, submitted representation dated 16.4.2012, admitting the charges unconditionally. However, in order to give reasonable opportunity to the applicant as provided under the Rules, the 4th respondent was appointed as Inquiry Officer and



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Presenting Officer vide memo No. ADA/PKS/2012 Dated 19.4.2012. The

Inquiry Officer fixed the preliminary hearing on 8.6.2012, which was attended by the applicant and having understood the nature of charges framed against him as explained by the Inquiry Officer, the applicant tendered unconditional admission of charges and requested that no further inquiry was necessary. It is submitted that as per DG' Instructions in letter no. 151/4/77-Misc-II dated 16.9.1980 under Rule 10 of GDS (C&E) Rules 2001, the provisions of Rule 14 of CCS (CCA) Rules 1965 are to be followed in the cases of GDS also. Further under the provisions of Sub Rule 9 of Rule 14 of CCS (CCA) Rules 1965, if the delinquent official pleads guilty to any of the articles of charge, the Inquiry Officer shall record the plea, sign the record and obtain signature of the Government Servant thereon and under the provisions of Sub Rule 9 of Rule 10 of GDS (C&E) Rules, 2001, the Inquiry Officer shall return the findings of guilt in respect of those articles of charge to which the delinquent pleads guilty. Therefore, based on the unconditional admission tendered by the applicant, the inquiry officer concluded the inquiry and the Presenting Officer's brief dated 09.06.2012 were sent to the applicant on 13.06.2012. It is submitted that the applicant, having received the PO's brief, submitted his defence brief on 29.6.2012 in which he had stated about



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admitting the charges.

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3.4. The applicant was originally appointed as GDSMD only. Since the incumbent of GDSBPM was placed under off duty, the applicant was ordered to look after the duties of BPM on combination on temporary basis. Mere looking after the duties on temporary measure, will not change his appointing authority. Based on the unconditional admission of the guilt of the charges by the applicant, the Inquiry Officer has submitted his report dated 26.07.2012 holding all the charges as proved. After getting representation of the applicant on the report of Inquiry Officer, the 4th respondent, considering the inquiry report, the representation of the applicant and other connected records, ordered the penalty of “Removal from Engagement” vide memo No. ADA/PKS/2012 dated 27.3.2012. Against the order of penalty, the applicant submitted appeal to the 2nd Respondent. The 2nd respondent rejected the appeal in Memo No. APP/GDS/PK/18/2012 dated 15.06.2013 observing that the applicant by his mistakes has totally tarnished the image of the department besides made the public to suffer due to non-delivery of letters and deserves no consideration. Aggrieved over the rejection of appeal, the applicant preferred revision to the 1st respondent. The 1st respondent who considered all the records, observed that



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the grounds put forth by him lacks merits and rejected the petition vide memo

No. VIG/Pet/1-18/2013/CCR dated 19.12.2013. Further It is submitted that the combination of duties is ordered only as per the instructions of DG, Posts on the subject. As per DG's Instruction in letter No. 17-136/2001-GDS dated 24.4.2003, even in long term arrangements, before resorting to substitute arrangement, the combination of duties should be resorted to. Therefore, combination of duties of the BPM with that of the applicant is fully covered by rules. It is further submitted that the work of BPM was attached to the applicant without any detrimental to the delivery work. The applicant was also sanctioned with combined allowances for the additional work performed. The averment that he was landed in trouble because of combination of duties is therefore not acceptable. Hence, the respondents prayed for dismissal of the O.A.

4. The Tribunal, after analysing the evidence on record, held that the charges levelled against the petitioner/applicant were proved beyond doubt on his own admission and therefore, the penalty imposed by the respondents commensurate with the gravity of offence is sustainable. Accordingly, the Tribunal dismissed O.A. No.310/00657/2014 on 02.06.2022.

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WEB COPY 5. Assailing the said order, the present W.P. No.15295/2024 is preferred by the petitioner/applicant.

6. Mr. R. Malaichamy, the learned counsel for the writ petitioner submits that, the petitioner was not given reasonable opportunity and natural justice to defend his case during the Rule 10 Inquiry as per the instructions contained in CCS (CCA) Rules 1965, GDS (C&E) Rules 2001 respectively. There is no provision for conducting inquiry by appointing an Adhoc Disciplinary Authority. Hence, the appointment of the 4th respondent as Disciplinary Authority is not valid in law. The Inquiry Officer conducted the Inquiry in total violation of Principles of natural justice and the same was not considered by the Adhoc Disciplinary Authority, namely the 4th respondent herein. The petitioner was ordered to work combined duty as GDS MD and BPM. Therefore, he faced much difficulties to deliver the articles in time. He was also 61 years old at the time of ordering combination of duty. Hence, the delay of delivering of articles is not the fault of the petitioner. The respondents have already decided to remove the petitioner from service. Therefore, ordered combined duty. Hence, conducting inquiry is only an empty formality.



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The Inquiry Officer conducted the inquiry in total violation of principles of natural justice. No opportunity was given to the petitioner to prove his innocence. Instead, he had only recorded the alleged admission of the petitioner and closed the inquiry in one sitting. While so, the 4th respondent ought to have ordered for fresh inquiry by affording all reasonable opportunity to the petitioner. The learned Tribunal erred in holding that the petitioner failed to discharge his legitimate duty and by non accounting of deposits received from the public and misappropriating the same; detaining the speed post and registered letters received for delivery, spoiled the image of the department and that the charges levelled against the petitioner are proved beyond reasonable doubt on his own admission and therefore, the penalty commensurate with the gravity of offence was imposed and the same cannot be interfered. Since the petitioner had rendered 33 years of service and was 61 years old at the time of issuance of charge memo, imposing major penalty of removing the petitioner from the engagement is disproportionate to the charges levelled against him. Hence, prayed for quashing the order dated 02.06.2022 passed by the 5th respondent / Tribunal, made in O.A. No.310/00657/2014 and to direct the respondents 1 to 4 to settle all the retirement service benefits to the petitioner as if he retired from service on

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attainment of 65 years of age with effect from 06.02.2016.

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7. On the other hand, Mr. K. Ramanamoorthy, the learned counsel for the respondents 1 to 4 submitted that, the petitioner while working as GDS MD Rayandapuram Branch Post Officer was directed to look after the duties of BPM on combination temporarily with effect from 01.08.2011 as the regular incumbent of the post was placed under off duty in connection with irregularities committed in RD accounts. While carrying out the cent percent verification of the BO, it was revealed that the petitioner has committed irregularities. Pending detailed investigation, the petitioner was placed under put off duty with effect from 24.12.2011. After investigation, charge sheet under Rule 10 of GDS (Conduct and Engagement), Rules 2011, was issued by the Assistant Superintendent of Post Offices (4th respondent), Thiruvannamalai Division, vide memo No.ADA/PKS/20212 dated 27.03.2012. Though the 3rd respondent, i.e., Inspector of Posts, Chengam Sub Division, is the appointing authority for the petitioner, the 4th respondent was appointed as Adhoc Disciplinary Authority to initiate disciplinary proceedings against the petitioner, as the 3rd respondent happened to be a material witness in the case. The petitioner failed to maintain devotion to duty as enjoined in Rule 21 of



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Gramin Dak Sevaks (Conduct and Engagement) Rules, 2011. The petitioner

submitted his representation on 16.04.2012 to the charge sheet admitting all the charges, expressing regrets. However, in order to provide opportunity of oral inquiries to the petitioner, then Assistant Superintendent of Post Offices (OD), Thiruvannamalai Division, Sri. L. Chandrasekaran, was appointed as Inquiry Authority and Shri. G. Palani, then Inspector Posts, Vandavasi Sub Division was appointed as Presenting Officer by the Adhoc Disciplinary Authority vide memo No.ADA/PKS/2012 dated 19.04.2012. The preliminary inquiry was held on 08.06.2012 and the petitioner pleaded guilty to the charges and therefore, inquiry was concluded. The Inquiry Officer, in his report dated 26.07.2012 held all the charges as proved. After getting representation from the petitioner, on the report of Inquiry Officer, the 4th respondent, namely the Adhoc Disciplinary Authority, awarded penalty of 'Removal from engagement with immediate effect' vide memo No.ADA/PKS/2012 dated 15.09.2012.

7.1. Against the order of penalty, the petitioner preferred an appeal dated 05.10.2012, to the 2nd respondent Appellate Authority and the same was rejected on 15.06.2013 holding that the petitioner failed to show integrity and



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devotion to duty and he deserves no consideration. Challenging the same, the petitioner preferred an application to the Post Master General, Chennai City Region, Chennai, and the same was also rejected. Aggrieved by this, the petitioner filed O.A. No.657/2014 before the Hon'ble Central Administrative Tribunal, Madras Bench, with prayers to set aside the order of "Removal from Engagement" of the Adhoc Disciplinary Authority and order of rejection of his appeal / petition and to direct the respondents to treat him as if he retired from service with effect from 06.02.2016 and to settle all the retirement service benefits to him. By order dated, 02.06.2022 the above O.A. No.657/2014 was dismissed by the Central Administrative Tribunal as devoid of merits. The Inquiry was conducted by the Inquiry Officer in proper manner by extending all opportunities as provided in the Rule. The Adhoc Appointing Authority, considering the Inquiry Officer's report, representation of the petitioner and other connected records, finalized the case. He had observed that the charges were very grave and his failure to deliver the articles, non accounting the deposits, obtaining gratification for rendering official services, found to be a serious misconduct and brought a bad reputation to the department and accordingly ordered the penalty of removal from engagement. The application preferred by the petitioner was rightly dismissed by the learned Tribunal as



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devoid of merits , warrants any interference by this Court.

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8. Heard on both sides. Records perused.

9. It is not in dispute that the petitioner was originally appointed as Gramin Dak Sevak Mail Deliverer (GDS MD) and the Branch Post Master (BPM) work was temporarily attached to the petitioner as the regular incumbent of the post was placed under 'off duty' in connection with irregularities committed in RD accounts. According to the respondents, while carrying out the cent percent verification of the BO, it was revealed that the petitioner had also committed irregularities. Hence, the petitioner was placed under Put Off Duty (POD) on 24.12.2011 by the 3rd respondent, being the Disciplinary Authority, for committing fraud in public Savings Bank / Recurring Deposit Accounts. The respondents have given explanation for appointing the 4th respondent as Adhoc Disciplinary Authority to initiate disciplinary proceedings against the petitioner, as the 3rd respondent happened to be a material witness in the case. As per Rule 5 of GDS (Conduct and Engagement) Rules, the 4th respondent is fully empowered to initiate disciplinary proceedings. Rule 5 of GDS (Conduct and Engagement) Rules,



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runs as follows:

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“The powers of the Engaging Authority in the matter of awarding any of the penalties specified in Rule 9 may be exercised by an authority empowered in this behalf by a special order provided that in no case, the authority so appointed shall be lower in rank than the authority who originally engaged the Gamin Dak Sevak”

Therefore, mere looking after the duties of BPM as temporary measure, will not change his appointing authority. Therefore, appointment of Adhoc Disciplinary Authority is just and proper. Hence, the contention of the petitioner that, 4th respondent is not empowered with authority to initiate disciplinary proceedings against the petitioner is unsustainable. Admittedly, the petitioner, through his representation dated 15.04.2012, has admitted all the charges levelled against him. In spite of that, further inquiry was also conducted on 19.04.2012, thereby giving adequate opportunity to the petitioner to defend himself. During the preliminary inquiry held on 08.06.2012, the petitioner has admitted all the charges framed against him.

10. With regard to the submissions made by the learned counsel for the petitioner that he was entrusted with additional duties of Branch Post Master work by way of combination of duty with ulterior motive to punish him is

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unsustainable for the reason that, as per Rule 3-A(ix) of GDS Rules, 2011, combination of duties of a Sevak is permissible. Since the BPM was placed under POD, the work was combined with the petitioner only as a temporary measure and he was sanctioned with combined duty allowance which is fully covered by Rules. There is nothing on record to establish that with ulterior motive, the authorities entrusted the combination of work to the petitioner. Even in the representation submitted by the petitioner, nothing is stated in this regard. In fact, the petitioner did not make any representation against the orders of combination of duty. As rightly pointed out by the learned counsel for the respondents, the above allegations are only after thought. Moreover, during the preliminary inquiry held on 08.06.2012, the petitioner himself tendered unconditional admission of charges before the Inquiry Officer. The Inquiry Officer, based on his unconditional admission, submitted his report on 26.07.2012, holding all the charges as proved. The petitioner failed to substantiate that he has not committed any such irregularities. In the statement dated 19.10.2011, given before the IP, Chengam Sub Division, the petitioner has confessed that he did accept the deposits from one Sivagami, made entries in the pass book with date, stamp impression and destroyed the pay-in-slip and utilized the amount for his personal use.



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10.1. The further charge against the petitioner is that, he failed to deliver two speed post articles and two registered letters either on the date of its receipt or subsequently and failed to return the articles to the sender. This fact is not rebutted by the petitioner. The explanation given by the petitioner for non delivery of speed post and registered articles is due to the non availability of the addressees at the address cannot be accepted without any iota of proof.

10.2. Further, the fraud committed by the petitioner with regard to public account cannot be accepted on the plea of work pressure. It is settled law that, the punishment should always be proportionate to the gravity of misconduct. However, in a case of corruption, the only punishment is dismissal from service. Therefore, the charge of corruption must always be dealt with keeping in mind that it has both civil and criminal consequences. In the present case, the petitioner was working as, Mail deliverer cum BPM, entrusted with the work of delivery of letters and engaged in financial transactions and he was dealing with public money, indulged in corrupt practices by non crediting the deposits made by the public into Government Accounts. The same has been proved during inquiry. Therefore, the irregularities committed by the petitioner in discharging his duties dishonestly,



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is grave in nature warranting major punishment. The punishment awarded by the authorities commensurate with the gravity of offence and is just and reasonable and the same cannot be quashed. When the delinquent has admitted the charges, the Court and the Tribunal should not interfere with the penalty imposed by the authorities (**Ref: Chairman, MD, VSP and others vs. Goparaju Sri Prabhakara Hari Babu reported in 2008 2 SCC (L&S) 311**). Further, the Hon'ble Supreme Court in catena of decisions, upheld the penalty of removal or dismissal for the charge of misappropriation, whether the amount is large or small. When an intention of misappropriation of public money is established, the penalty of dismissal cannot be held as disproportionate. In cases involving corruption, there cannot be any other punishment than dismissal, any sympathy shown in such cases, is totally uncalled for and opposed to public interest. The misappropriated amount may be small or large, but the act of misappropriation is relevant.

10.3.The Hon'ble Supreme Court in its order dated 19.04.2022 in Civil Appeal No.2665 of 2022 (arising from SLP (C) No.6062/2022 @ D.No. 18112/2017) held as follows:

“Being public servant in the post office, the delinquent officer was holding the post of trust. Merely because subsequently the employee
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had deposited the defrauded amount and therefore there was no loss caused to the department cannot be a ground to take a lenient view and/or to show undue sympathy in favour of such an employee. What about the loss caused to the Department by way of goodwill, name and fame of the department and its reliability amongst the public? By such misconduct/act on the part of delinquent officer, the reputation of the department has been tarnished”.

The above observation is squarely applicable to the case on hand. Therefore, the orders passed by the 5th respondent confirming the order of removal of the petitioner by the 4th respondent, is proper and the same cannot be interfered.

11. For the reasons stated above, the Writ Petition is dismissed as devoid of merits. No costs.

[C.V.K., J]

[K.G.T., J]

24.02.2026

bga

Internet: Yes/No

Index: Yes/No

Speaking/Non-speaking order



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To

1. Union of India,
Represented by the Postmaster General,
Chennai City Region (TN)
Chennai 600 002.
2. The Superintendent of Post Offices,
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Thiruvannamalai 606 601.
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5. The Central Administrative Tribunal,
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**C.V. KARTHIKEYAN, J.
and
K.GOVINDARAJAN THILAKAVADI, J.**

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Pre-delivery Judgment in

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24.02.2026