



WEB COPY

WP No. 29156 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-02-2026

CORAM

**THE HON'BLE MR JUSTICE C.V. KARTHIKEYAN
AND
THE HON'BLE MR.JUSTICE K.KUMARESH BABU**

**WP No. 29156 of 2023
and
WMP No.28768 of 2023**

1. Union Of India
Rep By The Director Of Postal Services,
O/o.The Postmaster General,
Central Region (TN), Tiruchirappalli-620 001.
2. The Senior Superintendent Of Post Offices
Vridhachalam Division, Vridhachalam 606 001.

..Petitioners

Vs

1. S.Sivakumar
2. The Registrar
The Central Administrative Tribunal,
Chennai Bench, Chennai-600 104.

..Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorari to call for the records of the impugned order dated 16.08.2022 made in O.A. No.773 of 2016 on the file of the 2nd respondent herein and to quash the same.

For Petitioners: Mr.T.S.Rajamohan

For R1: Mr.R.Malaichamy



ORDER

(Order of the Court was made by K.Kumaresh Babu J.)

The writ petition has been filed seeking issuance of a writ of certiorari to call for the records of the impugned order dated 16.08.2022 made in O.A. No.773 of 2016 on the file of the 2nd respondent herein and to quash the same.

2. Heard the learned counsel appearing for the parties.

3. Mr.T.S.Rajamohan, learned counsel appearing for the petitioners would submit that the first respondent herein was imposed with a punishment of reduction of pay by four stages for a period of four years and that he would not be entitled to any increment during the said period for the delinquencies that had been committed by him. He would submit that the first respondent herein, while working as a Treasurer, Thirukoilur Head Office, was in joint custody with the Head Post Master for the cash balance retained at the Post Office. He would submit that he had been ordered by the Post Master of the said Post Office to remit the cash to the tune of Rs.16 lakhs to various offices through Cash Overseer, an official chosen from the officials in the Postman cadre to convey cash to various needy offices as per the orders of the Postmaster. The said amount of Rs.16 lakhs was handed over to the Cash Overseer, in violation of the Rules, without ordering police escort and only two GDS Officials were ordered to escort the Cash Overseer. The said Cash Overseer had absconded



with the said cash and with great difficulty, the amount was recovered. It is only due to the act of the first respondent in not following the Rules, the entire incident had occurred and hence, he was departmentally proceeded and the order of punishment was also imposed on him. He would submit that the Tribunal had set aside the enquiry proceedings and the order of punishment and had remitted the matter back to the petitioners to reconsider the matter afresh by conducting fresh enquiry for imposing appropriate punishment after due process and after giving fair opportunity to the first respondent herein. He would submit that the enquiry was conducted in a proper manner and there has been no complaint of any violation of the enquiry proceedings. He would further submit that the Tribunal had only held that the punishment is disproportionate, without giving any findings on the improper enquiry proceedings. That apart, he would refer to various cases where in similar and identical circumstances, similar punishment have been imposed on other employees and therefore, the punishment is also not disproportionate. He would submit that having not given any finding with regard to improper enquiry proceedings, the Tribunal ought not to have interfered with the order of punishment as well as enquiry proceedings and remitted the matter for conducting fresh enquiry. Hence, he seeks indulgence of this court.

4. Countering his arguments, Mr.R.Malachamy, learned counsel appearing for the first respondent would submit that he was working only as

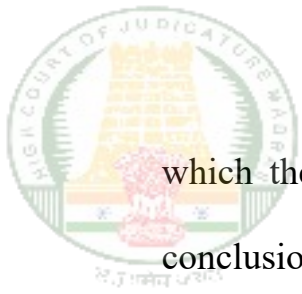


Treasurer and was a joint custodian of the cash alongwith the Head Post Master.

He would submit that it is the duty of the Cash Overseer to remit the amount to the Sub Post Office as per the orders of the Post Master. Even though the unfortunate incident had occurred, the entire cash had now been recovered and there is no pecuniary loss. He would submit that for the delinquency committed by one of the persons entrusted for transfer of cash, the first respondent herein cannot be held liable as it is the duty of the person, who had been entrusted to transmit the cash. He would further submit that the first respondent had also suffered by non grant of MACP upgradation and also promotion to the cadre of HSG-II. He would further submit that the Tribunal, having found that the punishment is disproportionate, could have, itself modified the punishment and he would pray this court to levy a lesser punishment than what has been inflicted upon him as the remittal would only prolong the issue by conducting departmental proceedings and also delay the granting of upgradation and promotion to the next grade. Hence, he prays this court to pass appropriate order.

5. We have heard the learned counsel appearing for the parties and perused the entire materials available on record.

6. A thorough perusal of the orders impugned herein would indicate that the Tribunal had not found any irregularity or impropriety in the manner in



which the enquiry proceedings had been conducted. It had only come to a conclusion that the punishment imposed on the first respondent is shockingly disproportionate in the light of the fact that the first respondent herein had not involved in any act of misappropriation and that it was only another staff, who had misappropriated the amount and the amount along with interest had been recovered. In that aspect, it is found that the said punishment was shockingly disproportionate. Having not given a finding on the impropriety or irregularity in the enquiry proceedings, it was not proper for the Tribunal to have set aside the enquiry proceedings and remitted the matter for fresh enquiry. Reasons have been attributed as to why why the punishment imposed on the first respondent was shockingly disproportionate. We also do not find any reason to interfere with the said findings as the punishment imposed upon the first respondent, even according to us, is disproportionate to the delinquency for which he had been charged.

7. In such view of the matter, we are of the considered view that the impugned order of the Tribunal insofar as quashing of the disciplinary proceedings and remittance to conduct a fresh enquiry is not warranted, but, we confirm that the punishment that had been imposed on the first respondent is highly disproportionate and in that aspect, we are of the view that the remittance can be restricted for the disciplinary authority to pass an order imposing an appropriate punishment.



8. In fine, the writ petition is partly allowed. While the order of remittance made by the Tribunal is upheld, it is restricted that such remittance is only for imposing an appropriate punishment to the first respondent herein. Such an exercise shall be made by the petitioners within a period of four weeks from the date of receipt of a copy of this order. No order as to costs. The connected miscellaneous petition is closed.

(C.V.K.,J.) (K.B.,J.)
05-02-2026

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

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To

The Registrar
The Central Administrative Tribunal,
Chennai Bench, Chennai-600 104.



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**C.V.KARTHIKEYAN, J.
AND
K.KUMARESH BABU, J.**

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