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W.P.No.31615 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.01.2026

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THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

W.P.No.31615 of 2017

and

W.M.P.Nos.34740, 34741 & 34742 of 2017

E.Govindaraji
Superintendent
Zone-VIII
Chennai City Municipal Corporation
Shenoy Nagar
Chennai 600 030.

...Petitioner

Vs.

1.The Secretary to Government
Municipal Administration and Water
Supply Department
Secretariat, Chennai-600 009.

2.The Commissioner
Chennai City Municipal Corporation
Ripon Buildings
Chennai 600 003.

3.The Chairman
Appeal Committee
Chennai City Municipal Corporation
Ripon Buildings
Chennai 600 003.

...Respondents



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Prayer: This Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the 2nd Respondent issued in Na.Ka.No.E2/7684/2011 dated 28.11.2011 and 14.07.2016 and the consequential order passed by the 1st Respondent in G.O.(D)No.427, MAWS Department, dated 25.10.2017 and quash the same and consequently direct the 2nd Respondent to consider the name of the Petitioner in the panel of Superintendents prepared for the year 2013-14 above his junior Thiru.Krishnamurthy with all consequential monetary benefits within a reasonable period as may be fixed by this Court.

For Petitioner : Mr.T.Ranganathan
For Respondents : Mr.V.Veluchamy for R1
Additional Government Pleader
Mr.S.Gopinathan
Panel Counsel for R2 & R3

ORDER

The petitioner challenges the order dated 28.11.2011 issued by the second respondent in Na.Ka.No.E2/7684/2011, by which the punishment of stoppage of increment for two years without cumulative effect was imposed.

2. The petitioner also challenges the order dated 14.07.2016 passed by the third respondent, confirming the order of punishment imposed by the second respondent. The revision petition filed by the petitioner before the Government was also dismissed.



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3. The petitioner, while working as Assistant in the Accounts Section of the respondent Corporation, was issued with a show cause notice calling upon him to explain as to why penalty should not be imposed for allegedly having connived with one Thiru S. Thangaprakasam, Assistant, in not verifying the building measurements in Zone-5, Ward-76, and for making corrections in the 'M' Book, thereby causing an excess payment of Rs.1,22,570/- to the contractor and resulting in loss to the Corporation.

4. The petitioner submitted a reply to the show cause notice denying the allegations and stating that he was working as an Assistant in the Accounts Section and that the 'M' Sheet was prepared by the Engineering Department. It was specifically stated that the petitioner had no role either in verifying the measurements or in making corrections in the 'M' Book.

5. The second respondent, after receiving the reply, passed the impugned order imposing the punishment of stoppage of two increments without cumulative effect.



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6. Mr. T. Ranganathan, learned counsel for the petitioner, submitted that though the petitioner had given a detailed reply to the show cause notice, the second respondent failed to consider the same and did not assign any reasons for rejecting the explanation offered by the petitioner. It was further submitted that, in the absence of any cogent evidence to establish the alleged connivance of the petitioner with Thiru S. Thangaprakasam in not verifying the bills or in making corrections in the 'M' Book, the impugned order of punishment is not legally sustainable.

7. Per contra, Mr. S. Gopinathan, learned counsel for respondents 2 and 3, submitted that the materials placed before the second respondent clearly established the petitioner's connivance with Thiru S. Thangaprakasam, resulting in non-verification of bills and correction of entries in the 'M' Book, thereby causing loss to the Corporation. It was contended that the second respondent, after considering the explanation submitted by the petitioner, passed a speaking order imposing the punishment. In the absence of any perversity or arbitrariness, the writ petition was stated to be devoid of merits and liable to be dismissed.



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8. The submissions made by the learned counsel on either side and the materials available on record have been duly considered.

9. The petitioner has furnished a detailed explanation to the show cause notice stating that he was working in the Accounts Section, that the 'M' Book was in the custody of the Engineering Department, and that the corrections made therein were attested by the competent authority. The petitioner further explained that the bills were verified only after approval by the Engineer and the Assistant Executive Engineer and, therefore, he could not be held responsible for the alleged corrections in the 'M' Book.

10. When the petitioner had given a detailed explanation denying the charges, the second respondent was under an obligation to consider the explanation and assign reasons either for accepting or rejecting the same. A perusal of the impugned order reveals that, except for narrating the charges and the explanation submitted by the petitioner, there is no independent application of mind or reasoning for rejecting the petitioner's explanation. Consequently, the impugned order does not qualify as a speaking order and is in violation of the



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principles of natural justice. Further, the respondents have not demonstrated that the petitioner was in custody of the 'M' Book so as to make corrections therein to favour the contractor. Except for the bare allegation that the petitioner connived with Thiru S. Thangaprakasam, Assistant, Engineering Department, no material has been produced to substantiate the same. The allegation has, therefore, remained a mere allegation and has not been proved.

11. The impugned order merely states that the explanation and documents submitted by the delinquent employee were carefully considered and that, as the explanation was not accepted, the charges were held proved and punishment imposed, without assigning any reasons.

12. In light of the aforesaid discussion, this Court is of the considered view that the impugned order passed by the second respondent and confirmed by the appellate and revisional authorities is not legally sustainable and is liable to be set aside.

13. Accordingly, the writ petition is allowed. The impugned order in Na.Ka.No.E2/7684/2011 dated 28.11.2011 issued by Respondent No.2 is hereby



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set aside, and also order/s passed by appellate and revisional authorities. The

petitioner shall be entitled to all monetary and other consequential benefits flowing from this order, which shall be disbursed within a period of two months from the date of receipt of a copy of this order. Consequently, the connected miscellaneous petitions are closed. There shall be no order as to costs.

08.01.2026

Index : Yes/No
Speaking order : Yes/No
dna

To

1.The Secretary to Government
Municipal Administration and Water
Supply Department
Secretariat, Chennai-600 009.

2.The Commissioner
Chennai City Municipal Corporation
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HEMANT CHANDANGOUDAR.J.,

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