



WEB COPY

WA No. 304 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-02-2026

CORAM

**THE HON'BLE MR JUSTICE R. SURESH KUMAR
AND
THE HON'BLE MR.JUSTICE SHAMIM AHMED**

**WA No. 304 of 2026
&
CMP NO. 2740 OF 2026**

1. The State,
represented by its Principal Secretary
to Government,
Finance Department,
Fort St. George,
Chennai – 009.
2. The Commissioner of Treasuries and Accounts
Panagal Buildings,
Saidapet, Chennai - 600 015.

..Appellants

Vs

K Mohana Madhavan
S/o. A. Kandasamy,
No.5/131, Sakthinagar,
Andagalur Gate Post,
Rasipuram Taluk,
Namakkal District - 401.

..Respondent

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order made in WP.No.4245 of 2015 dated 06.02.2025.



For Appellant : Mr.S.Yaswanth,
Addl Government Pleader

For Respondents : Mr.V.Sivalingam,
for M/s.C.S. Associates

JUDGMENT

(Judgment of the Court was delivered by R.Suresh Kumar J.)

This intra court Appeal has been directed against the order passed by the Writ Court dated 06.2.2025 made in W.P.No.4425 of 2015.

2. The respondent herein was the writ petitioner, against whom, a disciplinary proceedings were initiated. Charges were framed against him. Enquiry was conducted, however, the Enquiry Officer has given a report stating that the charges framed against the delinquent has not been proved. Based on which, the Disciplinary Authority has also come to the conclusion that since the charges have not been proved, that the disciplinary proceedings have to be dropped. However, subsequently, by way of Review, the Appellate /Reviewing Authority has taken a view that the finding given by the Enquiry Officer, as if that the charges have not been proved, not to be justifiable, because, some of the witnesses have given evidence in favour of the prosecution side, was the view taken by him and thereby, a punishment of stoppage of increment for six months without cumulative effect has been inflicted against the respondent/writ petitioner. That has been confirmed by the order passed by



the Government in G.O.(2D) No.89, Finance (T& A-2) Department, dated 17.10.2014. Challenging those orders only, the writ petition came to be filed.

WEB COPY

3. The learned Judge, having considered the factual matrix, has come to the conclusion that the charges since have not been held to be proved as per the report of the Enquiry Officer, as the six witnesses who had been produced on behalf of the prosecution to support their case, none of them has supported the case of the prosecution has been taken into account and recorded by the learned Judge in paragraph 17 and 18 of the impugned order, which reads thus:

'17. As mentioned above, the Charge Memo dated 12.03.2009 has been issued to the petitioner for the alleged misconduct of demanding bribe in connivance with one S.Charler Karamchand, formerly Assistant Treasury Officer for the period between 21.02.2005 and 08.08.2007. The informations that have been gathered led to the issuance of the aforesaid Charge Memo and thereafter 6 persons were produced as witnesses on behalf of the Department who have uniformly stated that they had no dealings with the petitioner.'

18. It is under these circumstances, the Inquiry Officer in his Inquiry Report dated 31.12.2009 has found that the petitioner was not guilty of the charges framed on 12.03.2009. The 2nd Show Cause Notice which was issued by the 1st respondent on 21.02.2011, is merely based on the legal principle that disciplinary proceedings are based on Preponderance of Probability and not on the strict rules of evidence.'

4. This view is also fortified by the decision of the Honourable Supreme



Court reported in ***Punjab National Bank and others Vs. Kunj Behari Misra*** (1998) 7 SCC 84, wherein, in paragraph 19, it is held as follows:

WEB COPY

‘19. The result of the aforesaid discussion would be that the principles of natural justice have to be read into Regulation 7(2). As a result thereof, whenever the disciplinary authority disagrees with the enquiry authority on any article of charge, then before it records its own findings on such charge, it must record its tentative reasons for such disagreement and give to the delinquent officer an opportunity to represent before it records its findings. The report of the enquiry officer containing its findings will have to be conveyed and the delinquent officer will have an opportunity to persuade the disciplinary authority to accept the favourable conclusion of the enquiry officer. The principles of natural justice, as we have already observed, require the authority which has to take a final decision and can impose a penalty, to give an opportunity to the officer charged of misconduct to file a representation before the disciplinary authority records its findings on the charges framed against the officer.’

Therefore, the learned Judge has come to the conclusion that the order of punishment awarded against the respondent/writ petitioner, even on the basis of preponderance of probabilities may not be justifiable. Therefore, the punishment has been interfered with by the learned Judge through the impugned order.

5. We have heard Mr.S.Yashwanth, learned Addl. Govt. Pleader appearing for the appellant.



6. We are not impressed with the submission made by him to assail the order successfully passed by the Writ Court, which is impugned herein, for the simple reason that as has been rightly recorded by the learned Judge at paragraph 17 and 18 of the order impugned that none of the witnesses produced on behalf of the prosecution seems to have supported the case of the prosecution.

7. When that being the position, on what basis, even to the degree of preponderance of probability, the Disciplinary Authority or the Appellate Authority or the Review Authority can come to such a conclusion, despite the clear report given by the Enquiry Officer.

8. It is a settled proposition that when the Enquiry Officer has given a report, in order to differ the said report submitted by the Enquiry Officer, either the Disciplinary Authority or the Appellate Authority wants to take a different view, even if it is a Departmental disciplinary proceedings, for which if the second show cause notice is issued, there must be a strong ground available with the prosecution to take a different view. Here in the case in hand, no such grounds are available and as has been stated by the learned Judge in paragraph 17 of the order, none of the witnesses have supported the case of the prosecution.



9. When that being the position, there has been no scope for coming to the conclusion to state that the charges framed against a delinquent has been proved and thereby he is liable to be inflicted with a punishment of six months stoppage of increment without cumulative effect. Whatever be the quantum of punishment, which is to be inflicted against any Government Servant/delinquent, that must be only on the basis of the proven charge. Here, since there has been no proven charge, for which, there is no materials of support from the witnesses side produced by the prosecution, We cannot support the view taken by the Appellate or Revisional Authority to inflict the punishment against the delinquent/writ petitioner.

10. In that view of the matter, the orders passed by the learned Writ Court in allowing the Writ Petition through the impugned order is sustained. Accordingly it is sustained. As a result of which, this Writ Appeal fails, hence, it is hereby dismissed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

[R.S.K.,J.]

[S.S.A.,J.]

16-02-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

msr



WEB COPY

WA No. 304 of 2



**R.SURESH KUMAR J.
&
SHAMIM AHMED J.**

msr

**WA No. 304 of 2026
&
CMP NO. 2740 OF 2026**

16-02-2026