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WA No. 4043 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-02-2026

CORAM

THE HON'BLE MR JUSTICE R. SURESH KUMAR

AND

THE HON'BLE MR.JUSTICE SHAMIM AHMED

WA No. 4043 of 2025 AND

CMP NO. 32935 OF 2025

1. State of Tamil Nadu
Rep, by the Additional Secretary to Government,
Agriculture Dept., Secretariat, Chennai – 9.
2. The Chief Engineer
Agricultural Engineering Department,
Nandanam, Chennai - 600 035.
3. The Executive Engineer
Agricultural Engineering,
Thorapadi, Vellore.

..Appellants

Vs

J. Ramesh
S/o. M. Jayaseelan,
49, Thottakara Street,
Kaveripakkam Village and Post,
Arakkonam Taluk, Vellore District - 632 508.

..Respondent

Prayer : Writ Appeal under Clause XV of the Letters Patent to set aside the order dated 25.04.2025 made in WP No.25317 of 2015.

For Appellants :

Mr.S.John J Raja Singh
Additional Government Pleader

For Respondent :

Mr.R.Vijayakumar



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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 25.04.2025 made in W.P.No.25317 of 2015.

2. The respondent was the writ petitioner, who was working as the Assistant in the appellant Department, against whom disciplinary proceedings were initiated, which ended in a major punishment of withholding of increment for six months with cumulative effect by order dated 10.07.2015 made in G.O.(3D) No.215, Agriculture Department.

3. In view of this punishment awarded against him and also previous charges were pending against him, though the respondent / writ petitioner became due for promotion and was fit to be included in the panel for promotion to the post of Superintendent from the year 2012 onwards, he has not been included even upto 2015. Only at that stage, he had approached the Writ Court and challenged the government order in G.O.(3D) dated 10.07.2015 itself, the order passed by the appellate authority ie., the Government confirming the punishment awarded against the respondent / writ petitioner.



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4. Learned Writ Court, after having gone through the nature of the charges framed against the respondent / writ petitioner and the enquiry conducted in this regard, where one of the three charges viz., the third charge has not been proved by the enquiry officer and even the remaining two charges are vague and there has been no material to establish that those charges also has been proved against the writ petitioner / delinquent, came to a conclusion that the respondent / writ petitioner acted as a whistleblower in bringing the corrupt practices going on at the office of the appellant, where he was working, and that as a grudge has developed against him, such vague charges were framed against him, based on which punishment was imposed against him as a result of which his promotion was halted consecutively for more than three years. Ultimately, the writ petition was allowed.

5. We have heard the learned Additional Government Pleader and the learned counsel for the respondent / writ petitioner.

6. There were three charges framed against the respondent / writ petitioner, which have been in fact extracted by the learned single Judge in Para 3 of the impugned order. The sum and substance of the charges that have been framed for which enquiry was conducted under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules (In short 'the Rules') is that, in the first charge the allegation was the writ petitioner has used unparliamentary words against the other



staff viz., one Vajram and N.Rajasekaran, both are Junior Engineers and also one Umarani, Assistant, thereby he has troubled the routine office works and thus acted in bewildering and undignified manner. The second charge was that, without following the procedure laid down and instructions of the higher officials, the delinquent provided wrong information to the farmers voluntarily and he has used unparliamentary words against the higher officials and thus derelicted from his official duties. The third charge was that the writ petitioner, without following the instructions of G.O.Ms.No.239, Personnel and Administrative Reforms Department dated 05.10.1998, used abusive words against Tmt.S.Uma Rani, Assistant and abused her.

7. The enquiry officer has held that the third charge has not been proved. Even according to the enquiry officer, charges 1 and 2 have not been proved as there has been no circumstances mentioned as to on what basis the writ petitioner has been compelled to make such unparliamentary words against the officials. No such circumstances have been mentioned and that has not been proved. Moreover, there has already been corruption cases against some of the officials, which includes M.Ramalingam, Assistant Executive Engineer and G.Mani Executive Engineer, against whom a criminal case is pending in Crime No.7 of 2012 before the Chief Judicial Magistrate, Vellore and disciplinary action has also been initiated against Ramalingam and other Section Officers, where the writ petitioner has been cited as a witness.



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8. Further, it is to be noted that though there has been no charges against the writ petitioner as if that he has leaked some news about the functioning of the office to the press, findings have been given by the enquiry officer stating that he has acted upon between the media persons and the office secrets or functioning of the office where he was working has been leaked to the media persons. There is no such charge framed against the writ petitioner. When that being so, such a finding though unwarranted, had been given purposely by the enquiry officer.

9. Moreover, insofar as the first two charges are concerned, as we stated herein above, which have been extracted in Para 3 of the impugned order, it is completely vague charges as no circumstance or situation has been explained or mentioned as to why and under what circumstances such unparliamentary words have been used by the writ petitioner against the said officials.

10. When that being the position, it cannot be stated that the enquiry officer has concluded the enquiry in an expected manner and has given a finding that the first two charges have been proved. Such vague charges normally cannot be accepted in any disciplinary proceedings of the department concerned, as even for the degree of proof for preponderance of probability, there must be definite charges framed against the delinquent. Here, no such definite charge since has been framed and proved, it cannot be stated that such vague charges would amount to



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disciplinary proceedings requiring imposition of major punishment under Rule 17(b) of the Rules.

11. These positions have been considered by the learned Judge and he has given a detailed finding as to the role of the writ petitioner, who acted as a whistleblower exposing the corruption within the department and therefore in order to take revenge against the writ petitioner since vague charges have been framed against the writ petitioner, it cannot be said to be a proven charge, that too warranting major penalty as per Rule 17(b). The Writ Court was right in quashing the order of punishment as by virtue of the same for three consecutive years ie., 2012 to 2015, the promotion for which the writ petitioner was otherwise entitled to has been hindered. There was every justification on the part of the Writ Court in showing such interference against the order impugned before the Writ Court imposing the punishment of withholding of increment for six months with cumulative effect as has been confirmed by the appellant department. Therefore, such a reasoning given by the learned Writ Court as well as the conclusion reached through the impugned order does not warrant any interference at the hands of the Division Bench. Hence, the appeal fails and is liable to be dismissed. Accordingly, it is dismissed. No costs. Consequently, connected miscellaneous petition is closed.



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12. It is made clear that the direction given by the Writ Court, if not already been complied with, shall be complied with and promotion should be given on par with the juniors who have been given promotion to the post of Superintendent, within a period of two months from the date of receipt of a copy of this order. It is also made clear that even if such a promotion is given, the writ petitioner is not entitled to any difference or arrears of salary, however, he is entitled to get all other service benefits for which he is entitled to in such promoted post.

(R.S.K.,J.) (S.S.A.,J.)
02-02-2026

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

KST



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To

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