



W.A.No.58 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.01.2026

CORAM :

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR
AND
THE HONOURABLE MR.JUSTICE SHAMIM AHMED

W.A.No.58 of 2026

The Additional Chief Secretary to Government
Government of Tamil Nadu
Home (Transport II) Department
Fort St. George, Chennai 09.

.. Appellant

Vs.

P. Sivasakthi

.. Respondent

Prayer: Appeal filed under Clause 15 of the Letters Patent, against
the order dated 17.03.2025 made in W.P.No.4160 of 2022.

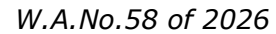
For the Appellant : Mr.P.Kumaresan
Additional Advocate General
assisted by Mr.P.Anandakumar
Government Advocate

For the Respondent : Mr.S.Mani

JUDGMENT

(Judgment of the Court was made by R.SURESH KUMAR, J.)

The present intra-Court appeal has been directed against the
order passed by the Writ Court dated 17.03.2025 made in
W.P.No.4160 of 2022.



3. When that being so, on 15.12.2013, a raid was conducted by the Vigilance and Anti-Corruption Department at the Office of the Regional Transport Officer, Salem, where, as against the respondent/writ petitioner, it was alleged that she was having Rs. 100/- in her wallet. Except this, no specific allegation has been made.

4. With regard to the other Officers working in that Office, there were no charges framed against them, however, the Tribunal of Enquiry into Disciplinary Proceedings, Coimbatore, initiated Disciplinary Proceedings on 02.09.2014 in T.D.P. Case No.5 of 2014 in connection with the said incident and the respondent/writ petitioner was arraigned as Accused No.11.

4. After a detailed enquiry, the Tribunal submitted its report stating that, Charge Nos.2, 3, 4, 5, 7 and 8 were not proved and Charge No.6 was dropped by the Government Order vide G.O.2(d)No.184, Home (Transport-II) Department, dated



W.A.No.58 of 2026

30.05.2014. In respect of Charge No.9 against the respondent/writ petitioner, it was said to be proved, as she failed to maintain absolute integrity and devotion towards duty as contemplated under Rule 20 of the Tamil Nadu Government Servants' Conduct Rules, 1973¹. On this basis, the Disciplinary Authority inflicted the punishment of with-holding the increment for a period of three years without cumulative effect. As against the said punishment, she filed the said writ petition.

5. The learned Writ Court, having considered the factual matrix, found that, since all the charges framed against the respondent/writ petitioner being not proved, the Charge No.9 cannot sustain independently, as it is only to maintain absolute integrity and devotion towards duty as contemplated under Rule 20 of the Rules of 1973. Therefore, the learned Judge allowed the said writ petition by setting aside the punishment, as against which, the present appeal has been filed.

6. Heard *Mr.P.Kumaresan*, learned Additional Advocate General for the appellant and *Mr.S.Mani*, learned counsel for the respondent.

¹ In short, referred to as "the Rules of 1973".



W.A.No.58 of 2026

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7. The learned Additional Advocate General appearing for the appellant has submitted that it is only a case against the petitioner and also some other delinquents, against whom also charges have been framed, of course, following the raid conducted by the Vigilance and Anti-Corruption Department. When that being so, the Charge No.9 proved against the respondent/writ petitioner/delinquent is on the basis of preponderance of probability, which is a degree of proof in any Disciplinary Proceedings. Therefore, that cannot be found fault with by the learned Judge, who set aside the said punishment.

8. We are not impressed with the said submission made by the learned Additional Advocate General for the simple reason that, insofar as the Charge No.9 is concerned, it is not a specific charge against the respondent/writ petitioner. It only says that she failed to maintain absolute integrity and devotion towards duty. Unless any one of the main charges is proved, it cannot be stated that the respondent/writ petitioner/delinquent has failed to maintain absolute integrity. Since the charges framed against her have not been proved, there was no iota of evidence made against the respondent/writ petitioner/delinquent, the question of proving any



W.A.No.58 of 2026

charge does not arise, as none of the main charges have been proved.

9. The Charge No.9, relating to maintaining absolute integrity or failing to maintain absolute integrity, may not be a charge, as that cannot be independently stated to be proved, as has been stated by the Tribunal. Therefore, on that context, no punishment could have been inflicted against the respondent/writ petitioner. Therefore, this aspect has been considered by the learned Judge in proper perspective by giving findings that even to apply the principles of preponderance probability, there should be some evidence. Without any material evidences, either orally or documentary, to prove the misconduct leveled against the respondent/writ petitioner, even the principles of preponderance probability are not attracted and therefore, the punishment imposed on the basis of principles of preponderance of probability cannot be sustained, was the findings given by the learned Judge, of course, rightly.

10. In that view of the matter, we do not find any reason to interfere with the said view taken by the learned Judge in allowing the said writ petition through the order impugned. As a result of



W.A.No.58 of 2026

which, the writ appeal fails, hence, it is liable to be dismissed.

Accordingly, it is dismissed. The orders passed by the Writ Court shall be implemented by the appellant Department within a period of three months from the date of receipt of a copy of this order. Till such time, no further coercive steps shall be taken, where, if any orders have been passed issuing warrant, that need not be implemented.

(R.S.K., J.) (S.S.A., J)
09.01.2026

Speaking Order/Non-Speaking Order
Index:Yes/No
Internet:Yes/No
Neutral Citation:Yes/No

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W.A.No.58 of 2026

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To:

1. The Additional Chief Secretary to Government
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W.A.No.58 of 2026

R. SURESH KUMAR, J.
AND
SHAMIM AHMED, J.

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W.A.No.58 of 2026

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