IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-06-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

WA No. 851 of 2026 AND
CMP NO. 8890 OF 2026

1. The State of Tamil Nadu
   Rep. by the Secretary to Government,
   (Home) (Transport II Department),
   Secretariat, Chennai 600 009.

2. The Joint Transport Commissioner
   Chennai Zone,
   Chennai 600 023.

..Appellants

Vs

P.Kannan
25/13, Subramaniya Swami Koil Street,
Alandur, Chennai 16.

..Respondent

Prayer : Writ Appeal under Clause XV of the Letters Patent to set aside the orders passed in W.P.No.10822 of 2010 and M.P.No.2 of 2010 dated 23.01.2012**.**

For Appellants : Dr.R.Gouri
Government Counsel

For Respondent : No appearance

Judgment

(Judgment of the Court was delivered by S.M.Subramaniam J.)

The writ order dated 23.01.2012 passed in W.P.No.10822 of 2010 is under challenge in the present writ petition. State preferred the present writ appeal on the ground that the writ petition was mainly allowed on the ground that the Government / appellate authority passed the impugned order and therefore the order is untenable.

2. Learned Government Counsel would submit that the rule position is otherwise. The appellate authority is empowered to pass final orders in the departmental disciplinary proceedings. In the present case, the Government being the appellate authority passed the order which cannot be construed as infirm.

3. The respondent was holding the post of Motor Vehicle Inspector. Charge memorandum has been issued under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules. The charge against the respondent reads as under:

“ During August and September 2023, Thiru P.Kannan, Motor Vehicles Inspector, Gr-II in the Office of the Regional Transport Officer, Chennai (West), K.K.Nagar, along with Thiru.Pongiannan, Regional Transport Officer and Thiru

K.Kalaimani, a Computer Shroff, on accepting illegal gratifications facilitated and allowed Thiru M.Yogananthan (A1) and Thiru M.Vimal Kumar (A3), who were found in possession of several R.C.Books and found acting as touts within the premises of the said Regional Transport Office during the joint surprise check conducted by the Vigilance and Anti Corruption and District Inspection Cell Officers on 10.09.2003 to carry out their activities as touts and to get the works in respect of the owners of the vehicles of the RC Books they possessed done by overlooking for the people waiting in the queue and he on accepting illegal gratification from Thiru.Yoganathan inspected an Auto rickshaw bearing registration No.TN-02-Q-6469 and renewed the registration for 5 years and returned the RC book to the said Yoganathan who did registration for 5 years and returned the RC book to the said Yoganathan who did not produce any authorization from the owner of the said vehicle and thereby he violated Rule 20 of Tamil Nadu Government Servants Conduct Rules, 1973.

Thus, he failed to maintain absolute integrity and devotion to duty and thereby contravened the provisions of Rule 20 of Tamil Nadu Government Servant Conduct Rules 1973."

4. The respondent submitted the explanation denying the charges. Not satisfied with the explanation, enquiry officer was appointed, who in turn conducted an enquiry, submitted a final report holding that the charge was not proved. Not accepting the findings of the enquiry officer, the Government took a deviation from the findings of the enquiry officer and issued further show cause notice inviting explanation from the delinquent officer on the view taken by the Government.

5. The disciplinary authority or the appellate authority is empowered to take a different view than that of the views of the enquiry officer and the requirement is that another show cause notice is to be issued providing further opportunity to the delinquent officer to submit his explanation on the different view taken to that of the view taken by the authority against the view of the enquiry officer. Such an opportunity has been afforded in the present case to the delinquent officer. Further explanation received from the delinquent officer was considered. Finally, the Government issued G.O.Ms.No.1146 dated 12.11.2009 imposing a punishment of stoppage of increment for a period of one year with cumulative effect.

6. The writ Court allowed the writ petition mainly on the ground that the original authority has not passed the final order of punishment, but the appellate authority / Government passed the final order. Such a ground is untenable and is not in consonance with the Rules. The higher authority than that of the original authority is empowered to pass final orders in the disciplinary proceedings. In the present case, the Government took a different view than that of the findings of the enquiry officer and after affording an opportunity, imposed the punishment of stoppage of increment for one year with cumulative effect.

7. Thus, there is no jurisdictional error in passing final order of punishment by the Government. The Government is empowered to pass final orders and in such circumstances, an aggrieved person may approach the High Court. In present case, the respondent filed the writ petition and the writ court allowed the same only on the ground that the Government is not empowered to pass final order, which in the opinion of this Court, is not in accordance with the Rules.

8. In the present case, the principles of natural justice has been complied with while conducting the departmental disciplinary proceedings. Opportunity was afforded to the delinquent officer. Punishment imposed cannot be considered as disproportionate. For all these reasons, the writ order impugned dated 23.01.2012 in W.P.No.10822 of 2000 is set aside and the writ appeal stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

(S.M.S.,J.) (N.S.,J.)
19-06-2026

Index: Yes
Speaking order
Neutral Citation: Yes/No

KST

To

1. The Secretary to Government,
   (Home) (Transport II Department),
   Secretariat, Chennai 600 009.

2. The Joint Transport Commissioner
   Chennai Zone,
   Chennai 600 023.

S.M.SUBRAMANIAM J.
AND
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