



W.P.(MD)No.13302 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 06.04.2026

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MS.JUSTICE R.POORNIMA**

W.P.(MD)No.13302 of 2024

S.Thandapani

... Petitioner

Vs.

1.The Union of India,
Department of Post,
Represented by the Director of Postal Services,
Southern Region, Madurai - 625 002.

2.The Senior Superintendent of Post Offices,
Madurai Division, Madurai - 625 002.

3.The Registrar,
Central Administrative Tribunal,
Chennai - 600 104.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the order passed in O.A.No.310/00037/2017 passed by the Central Administrative Tribunal, Chennai Bench dated 05.04.2024 and quash the same and consequently set aside and quash the proceedings bearing No.VIG/15-09-16-17/MA,



W.P.(MD)No.13302 of 2024

dated 11.08.2016 of the 1st respondent in confirming the proceedings of the 2nd respondent in Memo No.F1/02/2000-01, dated 26.12.2014 as illegal and unfair and further be pleased to direct the 2nd respondent to reinstate the petitioner with consequential benefits and back-wages.

For Petitioner : Mr.S.Thigarajan

For Respondents : Mr.K.Govindarajan,
Deputy Solicitor General of India.

ORDER

(Order of the Court was delivered by G.R.Swaminathan, J.)

Heard both sides.

2.The writ petitioner was appointed as Extra Departmental Staff (now called as Gramin Dak Sevak) on 01.07.1985 in Branch Post Office, Kidaripatti Village. He was placed under suspension on 27.01.2000 and he was also issued with the charge memo dated 19.07.2000. After holding inquiry, the petitioner was dismissed from service vide order dated 24.02.2002. Aggrieved by the same, the petitioner filed an appeal before the appellate authority. The appellate authority confirmed the



W.P.(MD)No.13302 of 2024

punishment imposed on the petitioner. However, the reviewing authority set aside the order of punishment imposed on the petitioner and ordered de novo enquiry on 18.08.2011. The operative portion of the order dated 18.08.2011 reads as follows:-

“In view of the above, the review petition succeeds in the light of the failure of principle of natural justice in the present case and the end of justice would be met if the punishment of “dismissal from employment” imposed by Senior Superintendent of Post Offices, Madurai Division, Madurai (disciplinary authority) vide Memo No.F1/2/2000-2001 dated 28.03.2002 is ordered to be set aside with further directions for a de-novo enquiry from the stage of issue of fresh charge sheet. The same is ordered accordingly. The petitioner GDS may be taken as having been placed under put off duty pending outcome of the de novo proceedings.”

3.The discipline authority thereupon issued a fresh charge memo dated 28.09.2012. It contained the following two articles of charge:-

“ARTICLE – I

That the said Shri.S.Thandapani, GDS BPM (deemed POD) while working as GDS BPM, Kidaripatti BO a/w Alagarkoil SO accepted deposits on various dates in the respective months from April 96 to June 98 (except for Jun'96, Jul'96 and Jul'97) from



W.P.(MD)No.13302 of 2024

Smt.M.Shakunthala the depositor of RD account No.110800 of denomination of Rs.200/- standing open at Kidaripatti BO but he failed to bring the said deposits for Rs.4800/- into PO account on the date of acceptance itself. The said Shri.S.Thandapani further failed to bring the deposits made by the depositor in the said account for the months from July 98 to Jan 2000 (except for Nov'99), for a total sum of Rs.3600/- in to PO account. Thus the said Shri.S. Thandapani, GDS BPM (deemed put off) by his failure to bring the deposits for Rs.4800/- into PO accounts on the date of acceptance and by his failure to bring the deposits for a sum of Rs.3600/- in to PO accounts in respect of RD account No.110800 has violated Rule 131 read with Rule 143(3), 144 and Rule 174 & 175 of Rules for Branch offices and thereby failed to maintain absolute integrity and devotion to duty as required of him in Rule 21 of Department of Posts GDS (Conduct & Engagement) Rules 2011.

ARTICLE – II

That the said Shri.S.Thandapani, GDS BPM (deemed POD) while working as GDS BPM, Kidaripatti BO a/w Alagarkoil SO accepted deposits on various dates in the respective months from April 96 to June 98 (except for Jun'96, Jul'96 and Jul'97) from Smt.S.R.V.S.Saraswathi the depositor of RD account No. 110790 of denomination of Rs.250/- standing open at Kidaripatti BO but he failed to bring the said deposits for Rs.6000/- into PO account on the date of acceptance itself. The said Shri S. Thandapani further failed to bring the deposits made by the depositor in the said



W.P.(MD)No.13302 of 2024

account for the months from July 98 to Jan 2000 (except for Nov'99), for a total sum of Rs.4500/- in to PO account. Thus the said Shri.S.Thandapani, GDS BPM (deemed put off) by his failure to bring the deposits for Rs.6000/-into PO accounts on the date of acceptance and by his failure to bring the deposits for a sum of Rs.4500/- in to PO accounts in respect of RD account No. 110790 has violated Rule 131 read with Rule 143(3), 144 and Rule 174 & 175 of Rules for Branch offices and thereby failed to maintain absolute integrity and devotion to duty as required of him in Fule 21 of Department of Posts GDS (Conduct & Engagement) Rules 2011.”

It is relevant to note that the earlier charges framed against the petitioner were given a complete go-bye and a new set of charges were issued against the petitioner.

4.Unfortunately, the petitioner failed to respond to the charge memo. An enquiry officer was appointed. Even though the petitioner was called upon to attend the enquiry, the petitioner failed to avail the said opportunity. The enquiry officer submitted an ex-parte enquiry report holding that the charges framed against the petitioner stood proved. Thereafter, the disciplinary authority invited further representation from



W.P.(MD)No.13302 of 2024

the petitioner. Even further representation was also not submitted by the petitioner herein. The disciplinary authority concurred with the findings of the enquiry officer and ordered the petitioner to be removed from service. Challenging the said order dated 26.12.2014, the petitioner filed appeal before the first respondent. The appeal was dismissed on 11.08.2016. Challenging the same, the petitioner filed O.A.No.310 of 2017 before the Central Administrative Tribunal, Chennai Bench. The Tribunal vide order dated 05.04.2024 dismissed the original application. Questioning the same, this writ petition came to be filed.

5.The learned counsel appearing for the writ petitioner raised three contentions. His first contention was that non-payment of subsistence allowance had completely vitiated the entire proceedings. He placed reliance on the decision reported in **(2000) 7 SCC 90 (Jagdamba Prasad Shukla Vs. State of U.P.)** in support of the aforesaid contention. His second submission was that the procedure regarding holding of de novo enquiry was not followed in this case. His third contention was that the new charges framed against the writ petitioner should be rejected as highly belated. He pointed out that the cause of action set out in the

6/10



W.P.(MD)No.13302 of 2024

revised charge memo dates back to 1996 and issuance of a charge memo after a lapse of 16 years should be held as a time barred.

6.Per Contra, the learned Deputy Solicitor General of India for the Postal Department submitted that the scope for judicial review is rather limited and that the Tribunal had considered all the contentions of the petitioner at length and chose to deny him relief and that interference with the said the order is not called for.

7.We carefully considered the rival contention and went through the materials on record. As regards the first contention regarding non-payment subsistence allowance, we have to hold that that decision reported in **(2000) 7 SCC 90 (Jagdamba Prasad Shukla Vs. State of U.P.)** may not have any application to the facts on hand. That was a case where the employee concerned was dependent entirely on the salary paid by the government. When such a government servant is placed under suspension, he has to be necessarily paid subsistence allowance which will be equal to half of the last drawn pay. Non-payment of subsistence



W.P.(MD)No.13302 of 2024

allowance would definitely affect a person's right to effectively defend himself. However, that may not be the case with regard to an Extra Departmental Staff employed in the postal department. It is more in the nature of a part time job. Therefore, non-payment of subsistence allowance would not really vitiate the proceedings even though we cannot approve the conduct of the department in not paying subsistence allowance then and there. But it is a matter of record that subsequently the entire arrears to the tune of Rs.1,13,388/- were paid to the writ petitioner . Hence, we reject the first contention advanced by the learned counsel appearing with the petitioner.

8.Secondly, there is also no merit in the contention that the charges are highly belated. The proceedings which commenced in the year 2000 concluded at the revisional stage only in the year 2011. Following remand, the revised charge memo was issued only in terms of the reviewing authority's order dated 18.08.2011. Therefore, there may not be any substance in the contention that the charges have been issued belatedly. In any event, the petitioner having not attended the enquiry proceedings and not having responded to the charge memo and not

8/10



W.P.(MD)No.13302 of 2024

having submitted the further representation, cannot be heard to say that the principles of natural justice have been breached. We had already extracted the articles of charge framed against the writ petitioner. The charges are serious and they have a bearing on the petitioner's integrity. Failure to place his defence at the appropriate stage is definitely a circumstance that operates against the writ petitioner.

9.As rightly pointed out by the learned Deputy Solicitor General of India, we were not exercising appellate jurisdiction but only the power of judicial review. We had carefully gone through the order passed by the Tribunal. It had dealt with all the aspects both factual and legal. By no stretch of imagination can the approach of the Tribunal be characterized as perverse. We do not find any ground to interfere. This writ petition stands dismissed. No costs.

(G.R.S. J.) & (R.P. J.)
06.04.2026

NCC : Yes/No
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W.P.(MD)No.13302 of 2024

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W.P.(MD)No.13302 of 2024

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