



W.A(MD) No.249 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 19.01.2026

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MRS.JUSTICE R.KALAIMATHI**

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&
C.M.P.(MD)No.761 of 2021

- 1.The Secretary to Government,
Municipal Administration &
Water Supply (TP-4) Department,
Secretariat, Fort St.George,
Chennai-600 009.
- 2.The Director of Town Panchayat,
Kuralagam, Chennai – 600 108,
Presently at
Urban Administration Office Complex,
7th & 8th Floor, MRC Nagar,
Chennai-28.

... Appellants

Vs.

P.Gnanamuthu (deceased)

G.Alphonse

... Respondent



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PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 22.01.2020 made in W.P.(MD)No. 8898 of 2011 and allow this writ appeal.

For Appellants : Mr.S.Shaji Bino
Special Government Pleader

For Respondent : Mr.Ram Sundar Vijayraj
for M/s.Veera Associates

JUDGMENT

(Judgment of the Court was made by **G.R.SWAMINATHAN, J.**)

The Government has filed this appeal challenging the order dated 22.01.2020 passed by the learned single Judge allowing W.P.(MD)No. 8898 of 2011. The said writ petition was filed by one Gnanamuthu. He was working as executive officer of the Velampalayam Town Panchayat from 1996. The charge memo dated 26.12.2002 was issued. It contained five articles of charge. Enquiry was conducted and the enquiry officer vide enquiry report dated 25.06.2007 came to the conclusion that the charges framed against the delinquent stood proved. Copy of the enquiry report was served on the delinquent and his further representation was also obtained on 21.09.2007. Finally, not satisfied



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with the same, the disciplinary authority imposed the punishment of dismissal from service vide order dated 26.10.2007. Challenging the same, appeal was preferred before the Government. The appeal was dismissed vide G.O.(D).No.234, MA & WS (TP-4) Dept, dated 28.06.2011. Challenging the same, writ petition came to be filed. During the pendency of the writ petition, Gnanamuthu passed away and his wife came on record. Subsequently, she also passed away and the son of the writ petitioner prosecuted the matter. The writ petition came to be allowed on 22.01.2020. Questioning the same, this writ appeal came to be filed.

2. The learned Special Government Pleader appearing for the appellants contended that the learned single Judge did not bear in mind the limitations of judicial review while considering the writ petition.

3. Per contra, the learned counsel appearing for the respondent submitted that the impugned order of the learned single Judge is well reasoned and that it does not call for interference.



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4. We carefully considered the rival contentions and went through the materials on record.

5. The charge memo though containing five articles of charge is actually about two acts. Firstly, the delinquent is said to have procured materials to the tune of Rs.4,61,282/- without getting prior approval from the Assistant Director of Town Panchayat. The second charge is that the petitioner failed to exercise due supervision over one Natarajan who had received the lease amount but failed to remit the same.

6. We carefully went through the contents of the enquiry report and also the explanation submitted by the delinquent. The enquiry officer after carefully considering the entire materials on record came to the conclusion that the charges framed against the writ petitioner stood established. When the enquiry officer based on some evidence had rendered a finding of guilt, the writ Court could have accepted the same only if they have been found to be perverse or based on no evidence. Such is clearly not the case here.



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7. The enquiry officer had given a finding that all the materials had been procured from one entity namely Bhuvana Electricals. The delinquent did not float any tender or call for quotations from more than one source. Secondly, the bills appear to have been artificially split up so that they would fall within the ceiling limit of Rs.10,000/-. If the value of the purchased materials is upto Rs.10,000/-, there is no need for obtaining permission from the higher authority. In order to bring within the said ceiling limit, the bills had been artificially split up.

8. We are of the view that by no stretch of imagination, the findings can be said to be perverse. We, therefore, have to necessarily hold that the learned single Judge erred in interfering with the findings of the enquiry officer. There is also no merit in the reasoning that the impugned proceedings have to be quashed on the sole ground that all the persons concerned were not proceeded against. When the delinquent was the executive officer of the town panchayat, he could not have claimed parity with the other employees who worked under him. Be that as it may, even in the enquiry report, it has been specifically found that no loss was caused to the local body. The delinquent was also not found



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guilt of having committed any misappropriation. However, failure to obtain permission from the higher authority for spending panchayat funds above the ceiling limits was a serious lapse and it definitely warranted some action. Likewise, there was also lack of supervision over Natarajan who after receiving the lease amount failed to remit the same in time. Even though we uphold the findings of the enquiry officer as regards the guilt of the delinquent, we are clearly of the view that the punishment of dismissal imposed on the delinquent is grossly disproportionate. It does shock our judicial conscience.

9. We are of the view that instead of remitting the matter on this ground, considering the sheer lapse of time and the fact that delinquent and his wife have passed away, in the interest of justice, we modify the punishment to one of compulsory retirement. The benefits shall be paid to the legal heirs of the deceased within a period of twelve weeks from the date of receipt of a copy of this order. If such payment is made within 12 weeks from the date of receipt of copy of this order copy, it will not carry interest.



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WEB COPY 10. The writ appeal is partly allowed. No costs.

(G.R.S., J.) (R.K.M., J.)
19.01.2026

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