



W.A(MD) No.1387 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 26.02.2026

CORAM

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

**W.A(MD) Nos.1387 of 2022 & 1393 of 2023
&
C.M.P.(MD)Nos.11011 of 2022 & 10897 of 2023**

In WA(MD)No.1387 of 2022

A.Vijaya Suresh Kumar

... Appellant / Petitioner

Vs.

- 1.The State of Tamil Nadu,
Represented by its
Additional Chief Secretary to Government,
Highways Department,
Secretariat,
Chennai-600 009.**
- 2.The Director General,
Highways Department,
Guindy, Chennai 600 025.**
- 3.The Block Development Officer (Regular),
Panchayat Union,
Thiruvarur.**



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4.The Block Development Officer (Scheme),
Panchayat Union Scheme,
Thiruvarur,
Thiruvarur District.

... Respondents / Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent praying this Court to set aside the order dated 26.04.2022 made in W.P. (MD)No.4609 of 2018 on the file of this Court whereby disposed of the writ petition by confirming the punishment of stoppage of increment for one year without cumulative effect after having set aside the punishment of recovery order and allow the above writ appeal.

For Appellant : Mr.P.Mahendran

For Respondents : Mr.A.Baskaran
Additional Government Pleader

In WA(MD)No.1393 of 2023

- 1.The State of Tamil Nadu,
Represented by its
Additional Chief Secretary to Government,
Highways Department,
Secretariat,
Chennai-600 009.
- 2.The Director General,
Highways Department,
Guindy, Chennai 600 025.



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3.The Block Development Officer (Regular),
Panchayat Union,
Thiruvarur.

4.The Block Development Officer (Scheme),
Panchayat Union Scheme,
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Thiruvarur District.

... Appellants / Respondents

Vs.

A.Vijaya Suresh Kumar

... Respondent / Petitioner

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent
praying this Court to set aside the order dated 26.04.2022 made in W.P.
(MD)No.4609 of 2018 on the file of this Court and allow the writ appeal.

For Appellants : Mr.A.Baskaran
Additional Government Pleader

For Respondent : Mr.P.Mahendran

COMMON JUDGMENT

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

Heard both sides.



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2. The writ petitioner herein was working as Union Engineer from 14.09.2000 to 21.06.2022 in Thiruvarur Panchayat Union. The jurisdictional BDO allotted as many as 4 civil works under Employment Assurance Scheme. The work was entrusted to as many as 4 officials namely Sripathy (Overseer), Swaminathan (Overseer), V.Durai (Road Inspector) & Mathialagan (BDO). The writ petitioner was working under the BDO. Allegations were made to the effect that there was misappropriation of cement bags while carrying out the civil works. In this regard, charge memo was issued against the petitioner on 09.04.2003. Enquiry was conducted and the enquiry officer rendered a finding that the charges framed against the writ petitioner stood proved. After getting the writ petitioner's further representation, the disciplinary authority imposed the punishment of stoppage of increment for a period of one year without cumulative effect and also ordered recovery to the tune of Rs.1,44,926/-. Questioning the disciplinary authority's order, the writ petitioner filed an appeal before the Government. The appeal was dismissed vide G.O.(D)Ms.No.9, Highways and Minor Ports (HL2) Department, dated 10.04.2018. Challenging the same, W.P.(MD)No. 4609 of 2018 was filed.



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3. The learned single Judge concluded that no loss was caused to the Government and that therefore, the punishment of recovery was set aside. However, the punishment of stoppage of increment for one year without cumulative effect was confirmed. Challenging the order dated 26.04.2022 passed by the learned single Judge, W.A.(MD)No.1387 of 2022 has been filed by the writ petitioner.

4. It is seen that the Government has also filed W.A.(MD)No.1393 of 2023 questioning the order of the learned single Judge. The appeal filed by the writ petitioner as well as the appeal filed by the Government were heard together. We posed a specific question to the learned Additional Government Pleader to show that loss was caused to the Government and that there was misappropriation of cement bags. Though the original records were called for, there is no material to indicate that there was any misappropriation of cement bags. There is nothing on record to show that loss was caused to the Government. We therefore confirm this part of the findings of the learned single Judge.

5. We had already noted that civil works were entrusted to as many



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as four officials jointly. It is relevant to note that none of them were proceeded against. The writ petitioner appears to have been selectively targeted. Since the basic premise that loss was caused to the Government has been completely undermined, the question of confirming the punishment of stoppage of increment for one year without cumulative effect also does not arise. The punishment imposed on the writ petitioner is set aside in *toto*.

6.W.A.(MD)No.1387 of 2022 filed by the writ petitioner is allowed and W.A.(MD)No.1393 of 2023 filed by the Government is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

(G.R.S., J.) (R.K.M., J.)
26.02.2026

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
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G.R.SWAMINATHAN, J.



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R.KALAIMATHI, J.

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