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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.02.2026

CORAM:

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
AND
THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN**

**W.P(MD)No.25825 of 2025
and
W.M.P(MD)No.20217 of 2025**

V.Dhanabalan

... Petitioner

.Vs.

1.The Principal District Judge,
Kanyakumari,
at Nagercoil- 629 001,
Kanniyakumari District.

2.The Chief Judicial Magistrate,
Kanyakumari District,
at Nagercoil – 629 001,
Kanniyakumari District.

... 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 impugned order dated 1.7.2024 of the first respondent confirming the order in D.No.866/2024, dated 6.5.2024 of the second respondent imposing



the punishment of stoppage of increment for one year without cumulative effect and to quash the same and consequently to direct the respondents to pay back the mount of Rs.39,600/- with 12% interest recovered by them.

For Petitioner : Mr.M.R.Sreenivasan

For Respondents : Mr.D.Sivaraman
1 and 2 Standing Counsel

ORDER

(Order of the Court was made by **DR.G.JAYACHANDRAN**)

This Writ Petition has been filed seeking issuance of a Writ of Certiorarified Mandamus filed by one Dhanabalan who was the former employee of the District Judiciary against whom disciplinary proceedings was initiated for dereliction of duty based on the complaint given by one Kannaki.

2.The charge against the Petitioner herein is in respect of missing of three interlocutory applications filed in M.C.No.168 of 2013 and the deficit stamp papers worth about Rs.28,263/-.The award in M.C.No.168 of 2014 was passed on 20.1.2015.The claimant namely, Kannaki and her children has taken out application for permission to withdraw the award amount and also application to file deficit Court Fees along with Court Fees



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paper. The records indicates that Court Fees of Rs.28,263/- was received and C.F.No.699 to 702 has been assigned and the same been registered in C.R.19 Register. The petitioner herein put his initial in the CR Register. Thereafter, neither the stamp paper nor the interlocutory applications were put up in the bundle. The claimant Kannaki had stated that her repeated enquiry with the counsel on record did not yield any result and therefore. She has brought the matter to the notice of the administration through her complaint, dated 31.10.2022. Pursuant to the complaint, remarks were called for from the Petitioner vide Official Memorandum, dated 02.11.2022. After receiving his remarks, charges under Rule 17(b) of the Tamil Nadu Civil Services(Discipline and Appeal)Rules, 1955(herein referred to as 'Rules') was framed and an enquiry was conducted. The Disciplinary Authority thought it fit that the misconduct does not warrant major punishment under Rule 17(b) of the above Rules and proceed under Section 17(a) of the Rules and imposed punishment of stoppage of increment for one year without cumulative effect. The Petitioner is aggrieved by the punishment imposed on him for the following reasons:

3.Action taken for misconduct after seven years of the alleged misconduct is a belated action which caused grave prejudice to the Petitioner due to efflux of time, for non granting



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of proper defense due to efflux of time and in the earlier enquiry conducted by the enquiry officer who also happens to be the Disciplinary Authority, has proceeded to pass the proposed punishment without any competency or authority.

4.The learned counsel for the Petitioner would submit that allegations in the complaint is that after the award made in M.C.No.168 of 2013, it is alleged that deficit Court Fee was presented by the claimant to the Grade-II Bench Clerk on 1.4.2015 and the same was received by the Petitioner as Bench Clerk of Chief Judicial Magistrate Court. The complaint has emanated from the claimant only on 31.10.2022 after a lapse of seven years. Due to fading memory, he was not able to give proper explanation at the first instance and thereafter, after verifying the records, he is denying the receipt of interlocutory applications or the stamp papers.

5.The learned counsel for the Petitioner submits that the Petitioner has rendered unblemished service been imposed with penalty, which has created a mole in his career. We do not find any substance in the said submission, since the record namely, CR19 Register clearly shows that the appellant has received the stamp papers on 1.4.2025 and that the stamp papers were not placed in



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the bundle and could not be traced at any point of time.

6. That apart, service rules mandates that the immediate superior officer is the competent authority to impose minor punishment. As far as in this case, on the date of imposing punishment, the Petitioner was holding the post of Sheristadar in the Additional District Court. Therefore, his immediate superior officer is the Principal District Judge and not the Chief Judicial Magistrate, whereas, the punishment has been imposed by the Chief Judicial Magistrate and as a disciplinary authority, it has been revisited by the Principal District Judge, in the appeal.

7. This Court, after anxious consideration to the above said submissions, called for the records from the Court below to ascertain as to whether the plea of defense taken by the Petitioner for missing of records is a plausible explanation. On a perusal of the records, We find that the initials found in respect of other entries in CR19 Register is identical to the initial found in the entry of CF702. Therefore the said defense taken by the delinquent on the face of records is un-sustainable. The appellate authority has also discussed about it. Regarding delay in initiating disciplinary proceedings, the delay can be reckoned from the date of knowledge. In this case, employer had been put on notice and knowledge about the missing of records only on 31.10.2022 by



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the aggrieved person namely, Kannaki. Soon thereafter, remarks were called for from the delinquent by the Chief Judicial Magistrate in Official Memorandum in D.No.21 of 2022. Therefore there is no delay in taking action on the complaint received. Regarding the competency of the authority who has imposed the punishment on his appeal, Rule 14 and 15 of the Tamil Nadu Civil Services(Discipline and Appeal)Rules been relied.

8.On examination of these two rules, we find that the authority competent to impose minor punishment is the immediate superior or any higher authority. Rule 15 will apply only in case of delinquent either promoted person or on transfer and became a member of another service.

9.Here, the Petitioner, on the date of alleged delinquency of duty and on the date of imposition of penalty remained as a member of Tamil Nadu State Sub-ordinate Judicial Service. There is no change in the service. The contention of the Petitioner that penalty imposed by the Chief Judicial Magistrate, who is not competent authority, has been answered by the appellate authority in the order impugned at Para 8, as below:

“8.For imposing such a punishment, the immediate superior Officer had invoked Rule 17(a) of TNCS(D&A)Rules, after finding the



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explanation given by the appeal petitioner not satisfactory. It is only in cases where the delinquency proposed is considered to be warranting major punishment or when the punishment proposed would be adversely affecting the amount of pension payable to the Government servant or to withhold cumulative effect for the period exceeding three years or withhold increment to pay with cumulative period for any period, further proceedings have to be done by the appointing authority. In other cases, it is open for the immediate Superior Officer to impose minor punishment, including that of the present nature, by invoking Rule 17(a) of TNCS(D&A), if the explanation is found to be not satisfactory and the delinquent was found guilty of commissions or omissions for which he was directed to explain. Similarly, it is only in cases where Rule 17(b) of TNCS(D&A) is invoked, the question of permitting the delinquent to make further representation would arise."

10. As pointed out by the appellate authority, penalty imposed is a minor penalty, i.e., cut in increment without cumulative effect for one year and therefore, the immediate superior namely, the Chief Judicial Magistrate who has passed the order is the competent authority and the same has been well defined by Rule 14(a) and not (1) in Rule 14(a)(1) of the Rules. Therefore, we find no reason to interfere with the order impugned herein and as such, the Writ Petition is devoid of merits.

11. For the reasons aforementioned, the Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.



[G.J.,J.] [K.K.R.K.,J.]
11.02.2026

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NCS : Yes/No
Index : Yes / No
Internet : Yes / No
vsn
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DR.G.JAYACHANDRAN, J.
and
K.K.RAMAKRISHNAN, J.

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ORDER MADE IN

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