

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED:11.03.2024

CORAM:

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
and
THE HONOURABLE MR.JUSTICE C.KUMARAPPAN**

W.A.(MD) No.340 of 2024

K.Ramachandran

....Appellant/Writ Petitioner

-vs-

1.The District Educational Officer(Elementary Education),
Office of the District Educational Office(Elementary Education),
Government Boys Higher Secondary School Campus,
Paramakudi,
Ramanathapuram District - 623 707.

2.The Director of Elementary Education,
Directorate of Elementary Education,
DPI Campus, College Road,
Chennai – 600 006.

... Respondents/Respondents

PRAYER : Writ Appeal filed under Clause 15 of the Letters patent
praying this Court to set aside the order of passed by this Court made
in W.P(MD)No.23253 of 2023, dated 18.10.2023.

For Appellant : Mr.K.Ramachandran
(Party-in-person)



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JUDGMENT

DR.G.JAYACHANDRAN,J.
AND
C.KUMARAPPAN,J.

This Writ appeal is filed seeking to set aside the order of passed by the learned Single Judge of this Court in W.P(MD)No.23253 of 2023, dated 18.10.2023.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.The appellant-in-person is a Teacher working in a Government School. He also happens to be the brother of an accused who was charged in a Prevention of Corruption Act case. A sum of Rs. 12 lakhs of the crime proceed had been transferred to his account and for the said purpose, he was arrayed as one of the accused in the said case and was also arrested. Being in judicial custody for more than 48 hours, he had been placed under suspension and a charge memo was issued to him to participate in the enquiry initiated under Section 17(1)(b) of the Tamil Nadu Civil Services(Discipline and Appeal)Rules,

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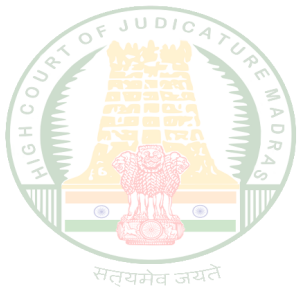


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1955. Challenging the charge memo, the Writ Petition has been filed alleging that the Department cannot initiate disciplinary proceedings for an incident which has happened outside the scope of the employment. He has also raised few other grounds for consideration to quash the charge memo. The points raised by the Writ Petitioner in the Writ Petition has been negated by the learned Single Judge vide order, dated 18.10.2023. Not being satisfied, he has also preferred a Review Petition and that was also dismissed on 28.11.2023. Challenging the same, the present Writ Appeal is preferred.

4.The points agitated before the learned Single Judge is reargued once-again by the appellant contending that the departmental proceedings cannot be permitted to continue, in view of the guidelines issued by the Human Resources Department, which say that the disciplinary proceedings can be initiated only in connection with the discharge of official duty in the concerned department and not otherwise.The appellant in person submitted that the case for which he was arrested is nothing to do with the discharge of his duty and therefore, the charge memo which is impugned in the Writ Petition cannot sustain legally.

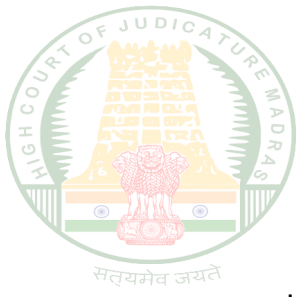
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5. This Court is unable to countenance the submission made by the appellant, who appeared in person. The appellant has been issued with a charge memo under Section 17(1)(b) of the Tamil Nadu Civil Services(Discipline and Appeal)Rules,1955 for being an accused under the offence under Section 13(2) r/w 13(1)(d) of the Prevention of Corruption Act together with Section 120-B and section 420 of IPC and after investigation final report has been filed under Section 120-B, 467, 468 and 471 of IPC by the Central Bureau of Investigation which has investigated the crime. In connection with the said case, the Writ Petitioner has been in prison for more than 50 days. The Charge-memo contains the substance of charge which attracts the major punishment under Section 17(1)(b) of the Tamil Nadu Civil Services(Discipline and Appeal) Rules,1955. The appellant cannot rely upon the guidelines of the Human Resources Department which even otherwise does not prohibit the department to initiate disciplinary proceedings where there is a grave misconduct noticed. It is not a complete embargo on the department for initiating disciplinary proceedings if the misconduct happens to be grave in nature, though may not be in connection with the discharge of duty. If the arguments of the Petitioner are accepted, the Government servant who has

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murdered and arrayed as an accused and arrested, can also take such a plea and say that no disciplinary proceedings can be initiated against him since the offence of murder is committed outside the discharge of his duty.

6.Hence,for the reasons stated above, the Writ Appeal stands dismissed, as devoid of merits. No costs. The dismissal of the Writ appeal will not stand in the way of the appellant, to raise all the points raised herein, before the enquiry officer in the pending disciplinary proceedings.

[G.J.,J.] [C.K.,J.]

11.03.2024

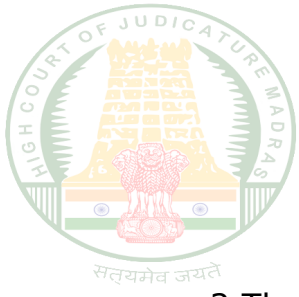
NCS : Yes/No
Index : Yes / No
Internet : Yes / No

vsn

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vsn

JUDGMENT MADE IN
W.A.(MD)No.340 OF 2024

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