



WP.No.26608 of 2013

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**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**Reserved on : 14.07.2026**

**Pronounced on : 24.07.2026**

**CORAM :**

**THE HONOURABLE MR. JUSTICE T.VINOD KUMAR**

**W.P.No.26608 of 2013**

S.Pachaiappan

... Petitioner

vs

1.Tamil Nadu Pollution Control Board  
Rep by its Chairman  
No.76, Mount Salai,  
Guindy, Chennai – 600 032.

2.Member Secretary  
Tamil Nadu Pollution Control Board  
No.76, Mount Salai, Guindy,  
Chennai – 600 032.

... Respondents

**Prayer:** Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus after calling for the concerned records from the respondents, quash the order of the 1<sup>st</sup> respondent dated 27.08.2013 bearing Proceedings No.Pani/Ma.P/20301/2012 and consequently direct the respondents to restore the petitioner's increment and pass such other orders or directions.

For Petitioner : Mr.Balan Haridass

For Respondents : M/s.Madhuri Donti Reddy

**ORDER**



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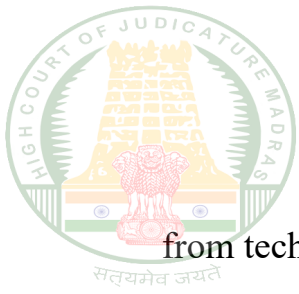
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Heard the learned counsel for the petitioner and the learned Standing counsel for the respondents and perused the records.

2. The petitioner by the present writ petition seeks for quashing of the order of the 1<sup>st</sup> respondent dated 27.08.2013, by which the order of the 2<sup>nd</sup> respondent dated 16.04.2013 was confirmed, whereby he was awarded with punishment of stoppage of increment for one year with cumulative effect under the respondents Conduct and Disciplinary Rules, 2010.

3. Briefly, put the case of the petitioner is that he had joined the service of the respondents / Board in the year 1997 and was discharging his duties which were clerical in nature; that from the year 2007, he had been working as Assistant, Selection Grade in the Corporate Office of the respondents; and that he was promoted as General Assistant in July 2012.

4. It is the further case of the petitioner that from June 2011 onwards he has been subjected to transfers periodically in short span of time from one place to another place and also from one section to another section / wing; and that at the relevant point of time he was working at construction wing, after being transferred



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from technical section vide order dated 12.07.2012.

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5. The petitioner contended that when the respondents sought to transfer him from construction wing to District Environmental Laboratory, Tirunelveli by issuing order dated 12.10.2012, he had challenged the said order of transfer before this Court by filing writ petition vide WP.No.28685 of 2012 and this Court by order dated 19.10.2012 granted stay of operation of the order of transfer and thus, the petitioner continued to work in the construction wing of the corporate office of the respondents; that the 2<sup>nd</sup> respondent bore a grudge against him for approaching this Court challenging the order of transfer and accordingly issued charge memo dated 26.10.2012 within a week after had obtained an order of stay of transfer from this Court; that sum and substance of the charge levelled against him is that he along with one Mr.Meganathan, Engineer demanded bribe from M/s.VIPSON DECOR to clear their bills; that he had called the said contractor on 08.10.2012 and informed that the cheque is ready and asked to pay bribe to him and to Mr.Meganathan; and that in this regard one Venkatesan of M/s.VIPSON DECOR had given a written complaint.

6. It is further contended by the petitioner that on being issued with charge memo, he had submitted his explanation on 09.11.2012 denying the charges



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and thereafter the 2<sup>nd</sup> respondent ordered for enquiry and appointed one of his subordinates as enquiry officer; that the said enquiry officer conducted enquiry proceedings in a farce manner by holding and concluding the enquiry proceedings in two days (i.e.,) on 21.01.2013 and 05.02.2013; and that the enquiry officer did not even take note of the fact that the Presenting Officer did not mark the alleged complaint in the enquiry proceeding which is the basis for initiating the disciplinary proceedings nor copy of the said document is given to him.

7. It is the further case of the petitioner that the enquiry officer conducted disciplinary proceedings without adhering to the basic principle of fairness and concluded the proceedings by holding enquiry only for two days; that the enquiry officer did not consider the objections raised by the petitioner on 05.02.2013 to the proceedings recorded on the same day (i.e.,) 05.02.2013 nor considered the request of the petitioner for reopening of the evidence for further cross examination of the management / respondent witness as sought for by him under the cover of letter dated 07.02.2013, though took 22 days thereafter to submit his enquiry report; that the manner in which the enquiry officer conducted enquiry, indicates that he had acted with bias and under the influence of the 2<sup>nd</sup> respondent and thus, the enquiry report and the further action taken by the 2<sup>nd</sup> respondent smacks of transparency and fairness which is required to be followed in disciplinary proceedings.



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8. The petitioner also contended that the 2<sup>nd</sup> respondent acting on the enquiry report submitted by the enquiry officer did not give him any notice as mandated under the respondents / service regulations, with regard to proposed punishment and imposed punishment of stoppage of increment for one year with cumulative effect by accepting the findings of the enquiry officer; that the 1<sup>st</sup> respondent to whom he had preferred an appeal also erred in dismissing the appeal without considering the grounds raised by him; that the 1<sup>st</sup> respondent dismissed the appeal without recording any reason and by passing one line cryptic order thereby rendering the appeal proceedings nugatory.

9. In support of the above contentions reliance is placed on the following decision of the Hon'ble Apex Court in the case of ***Chairman, Disciplinary Authority, Rani Lakshmi Bai Kshetriya Gramin Bank V. Jagdish Sharan Varshney and others*** – (2009) 4 SCC 240 wherein it is held as follows :-

*“5. In our opinion, an order of affirmation need not contain as elaborate reasons as an order of reversal, but that does not mean that the order of affirmation need not contain any reasons whatsoever. In fact, the said decision in **Prabhu Dayal Grover case** - (1995) 6 SCC 279 has itself stated that*



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*the appellate order should disclose application of mind.*

*Whether there was an application of mind or not can only be disclosed by some reasons, at least in brief, mentioned in the order of the appellate authority. Hence, we cannot accept the proposition that an order of affirmation need not contain any reasons at all. That order must contain some reasons, at least in brief, so that one can know whether the appellate authority has applied its mind while affirming the order of the disciplinary authority.”*

10. Contending as above, the petitioner seeks for setting aside the impugned proceedings.

11. Counter affidavit is filed on behalf of the respondents.

12. The respondents by the counter affidavit, mainly contended that the petitioner was issued with charge memo based on the complaint received from one Mr.Venkatesan of M/s.VIPSON DECOR claiming that the petitioner had made three calls to him in relation to the payment which he had to receive for the work



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done in the respondents office; that on he collecting the payment cheque from the

respondents, one of his employee one Selvakumar called him over phone and informed that as to why he had not paid money to both the officials after receiving the cheque; that one Mr.Meganathan, Engineer and petitioner demanded bribe for issuing the cheque for the work done by his firm; and that the aforesaid act of the petitioner of demanding of illegal gratification is serious misconduct and for the said reason, the respondents have issued charge memo and sought for explanation; that the explanation submitted by the petitioner not being satisfactory, the 2<sup>nd</sup> respondent appointed an enquiry officer to conduct enquiry into the charges; that the Enquiry Officer after conducting enquiry submitted his report; that based on the findings in the enquiry report dated 27.02.2013, the 2<sup>nd</sup> respondent had passed the order imposing punishment on the petitioner; that the respondents followed the due procedure before imposing punishment on the petitioner; that the enquiry officer also conducted enquiry by affording sufficient opportunity to the petitioner; that the petitioner did not raise any objection to the conduct of the enquiry proceedings at any given point of time; and that the petitioner in order to cause prejudice against the respondent, is trying to link up is transfer order with the disciplinary proceedings initiated against him.



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13. The respondents by the counter affidavit further contended that the petitioner in the enquiry proceedings having admitted to the fact of calling Mr.Venkatesan of M/s.VIPSON DECOR to come and collect the cheque, the same cause titles misconduct, as such, the order does not call for any interference and writ petition is liable to be dismissed.

14. I have taken note of the respective contention urged.

15. At the outset, it is to be noted that though, the petitioner has been issued with the charge memo claiming that one Mr.Venkatesan of M/s.VIPSON DECOR having given a complaint, of the petitioner and one Mr.Meganathan, Engineer demanding bribe for issuance of the cheque, for the work done by the said firm, and the said demand of illegal gratification being a misconduct, curiously, the said complaint on the basis of which the entire action is initiated has not seen the light of the day, either in the disciplinary proceedings which were enquired into by appointing enquiry officer or a copy of the same being furnished to the petitioner, while seeking his explanation, though, the said complaint is the foundation of the entire action.

16. Further, the Mr.Venkatesan on whose complaint the petitioner has been issued with the charge memo, in his evidence having stated that his employee

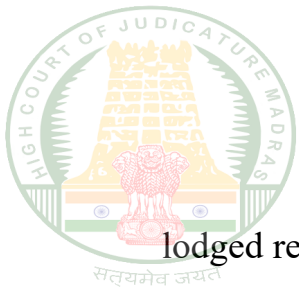


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one Mr.Selvakumar had called him and informed him that he is required to pay money to the Board officials, after receiving the cheque, the respondents though had examined Mr.Venkatesan, however did not examine Mr.Selvakumar who is stated to have called the complainant and asked him as to why he had not paid the money to the Board officials.

17. On the other hand, Mr.Venkatesan who had deposed on behalf of the respondents before the enquiry officer firstly did not mark the complaint given by him and on the other hand had stated that he did not pay any money to the Board officials. The aforesaid statement by the witness examined by respondents would clearly go to show that the complainant witness while receiving the cheque from the petitioner for the services rendered by him for the respondent, did not offer any bribe for the respondents to allege that the petitioner having accepted the illegal gratification from the complainant.

18. Further, the complainant in his complaint having named one Mr.Meganathan, Engineer as having demanded illegal gratification for issuance of the cheque and his own employee having stated that in order to get the cheque issued by the respondents officials, they are required to pay bribe and the said employee of the complainant not being examined, the contents of the complaint



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lodged remains uncorroborated.

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19. Before, the enquiry officer, the respondents had marked only five (5) documents viz “(i)Letter No.tha.na.ma.ka.va/enquiry/20301/2013 dated 7.1.13 addressed to Thiru.S.Pachaiyappan (ii)Letter No.tha.na.ma.ka.va/enquiry/20301/2013 dated 22.1.13 addressed to Thiru.S.Pachaiyappan (iii) Letter No.tha.na.ma.ka.va/enquiry/20301/2013 dated 7.1.13 addressed to Thiru.Venkatesan (iv)inquiry conducted on 22.1.2013 – 3 pages and (v)inquiry conducted on 5.1.12 – 2 pages”. The said documents exhibited do not go to show existence of some evidence of the charge (i.e) levelled against the petitioner. Thus, it cannot be said that there is some evidence for the respondents to justify their action. (See – **B.C.Chaburdevi Vs. Union of India and others – (1995) 6 SCC 749**).

20. On the other hand, in the absence of atleast some evidence in relation to the charges, the entire action taken is to be considered as based on no evidence. Consequently, the order passed by the 2<sup>nd</sup> respondent imposing punishment on the petitioner on the basis of the said report holding the charges as proved is also to be considered as without any evidence for the disciplinary authority to impose punishment.



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21. While the above being the position with regard to the order of the 2<sup>nd</sup> respondent imposing punishment on the petitioner, the 1<sup>st</sup> respondent to whom appeal is provided under the Rules, also failed in discharging a quasi judicial function as appellate authority.

22. The appellate authority while disposing of the appeal filed by the petitioner, wherein he has raised various grounds, did not record reasons for concurring with the order passed by the disciplinary authority / 2<sup>nd</sup> respondent. On the other hand by passing a single line cryptic order had stated that the punishment imposed is justified and the request of the petitioner to consider the punishment is not based on proper reasons.

23. The said findings of the appellate authority cannot be considered as recording of reasons for rejecting the appeal. Thus, the order of the 1<sup>st</sup> respondent authority is to be considered as non-speaking order. It is settled position of law that the reasons are the heart beat of any proceedings. **(See – Raj Kishore Jah V. State of Bihar and others – (2003) 11 SCC 519).**



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24. The appellate authority being bestowed with the quasi judicial function could not and ought to have rejected the appeal in such a summary manner without recording reasons and there can be no valid justification to sustain the said order.

25. Further, as noted herein above, the petitioner having raised his objection to the enquiry proceedings recorded on 05.02.2013, immediately, on the same day and the enquiry officer having acknowledged the receipt of the objections of the petitioner, could not have brushed aside or ignored the said objections without reopening the evidence. Further, the non consideration of the request of the petitioner for further cross examination of Venkatesan / prosecution witness, immediately after the conclusion of enquiry proceedings on 05.02.2013, would only go to show that the enquiry proceedings were not conducted by maintaining procedural fairness and on the other hand indicates that the enquiry officer was in a hurry to close the enquiry proceedings being a subordinate to the 2<sup>nd</sup> respondent / disciplinary authority.

26. It is settled position of law that in conduct of disciplinary proceedings, the procedural fairness is required to be followed, apart from the



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departmental action taken being not in violation of statutory rules / regulations and principles of natural justice.

27. In the facts of the present case, the 2<sup>nd</sup> respondent on receipt of the enquiry report from the enquiry officer did not issue 2<sup>nd</sup> show cause notice to the petitioner, seeking his explanation on the proposed punishment to be imposed. Instead, the 2<sup>nd</sup> respondent based on the findings of the enquiry officer had passed the order imposing the punishment straightaway contrary to the respondents (disciplinary and appeal service regulations) which mandates issuance of 2<sup>nd</sup> show cause notice before imposing punishment. On this ground also the order of the 2<sup>nd</sup> respondent cannot stand the scrutiny of this Court.

28. Thus, considered from any angle, the order of the 2<sup>nd</sup> respondent dated 16.04.2013 by which the petitioner has been awarded with punishment, which order has been affirmed by the 1<sup>st</sup> respondent vide order dated 27.08.2013 cannot be said as validly passed, for them to be sustained. On the other hand, the said orders are passed in violation of statutory provisions, principles of natural justice and without maintaining procedural fairness. For the aforesaid reasons, this Court is of the view that both the orders i.e., disciplinary authority dated 16.04.2013 and the appellate authority dated 27.08.2013 cannot be sustained.

29. Accordingly, the writ petition is allowed; the order of the



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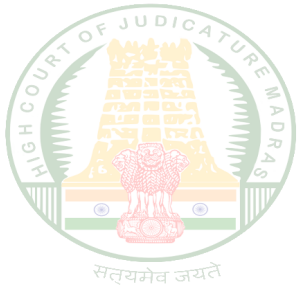
1<sup>st</sup> respondent dated 27.08.2013 and the order of the 2<sup>nd</sup> respondent dated 16.04.2013 are quashed. The respondents are directed to grant all the monetary and consequential benefits due to the petitioner within a period of three months from the date of receipt of a copy of this order. No costs.

**24.07.2026**

Speaking order / Non-speaking order  
Index : Yes / No  
Neutral Citation : Yes / No  
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To  
1.Tamil Nadu Pollution Control Board  
Rep by its Chairman  
No.76, Mount Salai,  
Guindy, Chennai – 600 032.

2.Member Secretary  
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No.76, Mount Salai, Guindy,  
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**T. VINOD KUMAR, J.**

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Pre-delivery order made in  
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