



W.P.No.2616 of 2015

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.08.2025

CORAM:

**THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR**

**W.P.No.2616 of 2015**

R.Thirumani

... Petitioner

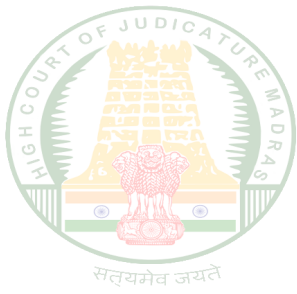
Vs.

1.The Chairman,  
Tamil Nadu Khadi and Village Industries Board,  
Kuralagam, Chennai-108.

2.The Chief Executive Officer,  
Tamil Nadu Khadi and Village Industries Board,  
Kuralagam, Chennai-108.

... Respondents

**Prayer :** Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records in Na.Ka.No.8479/E3(2)2008 dated 28.04.2014, on the file of the second respondent as confirmed in Khahi proceedings order No.59 dated 13.11.2014, on the file of the respondents and quash the same as illegal, incompetent and unconstitutional.



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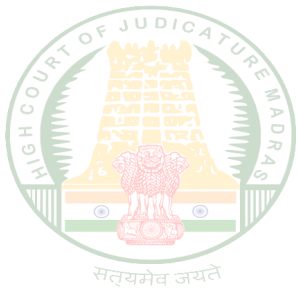
For Petitioner : Mr.R.Syed Mustafa  
for Mr.N.Balamuralikrishnan  
For Respondents : Mr.V.L.Akshai Sajin Kumar

### **ORDER**

This writ petition has been filed aggrieved by an order passed by the second respondent in proceedings bearing Na.Ka.No.8479/E3(2)2008 dated 28.04.2014, as confirmed by the first respondent through his proceedings bearing Order No.59 dated 13.11.2014, whereby the punishment of stoppage of three increments with cumulative effect was imposed on the petitioner.

2. The brief facts that are relevant for disposal of this writ petition are as under:

2.1. While the petitioner was working as Supervisor Grade II in the respondent Board, he was subjected to disciplinary proceedings by issuing a charge memo dated 29.07.2008 containing four charges. The petitioner submitted his explanation denying all the charges.



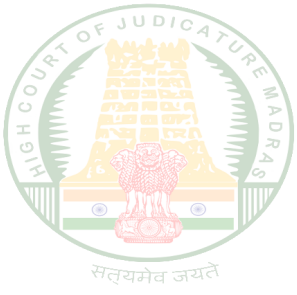
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Consequently, an enquiry officer was appointed to conduct an oral enquiry into the charges that are levelled against the petitioner.

2.2. The enquiry officer, after having conducted an enquiry on the charges, submitted his report dated 28.02.2013 holding that the charges 1, 2 and 4 are not proved and by holding the charge No.3 as proved. The second respondent herein, who is the disciplinary authority, have considered the report of the enquiry officer, furnished the copy of the same to the petitioner affording an opportunity and accordingly, the petitioner submitted his additional explanation dated 05.06.2013. It was thereafter the second respondent issued the impugned proceedings dated 28.04.2014 imposing the punishment of stoppage of three increments with cumulative effect on the petitioner.

2.3. The petitioner, having aggrieved by the above said punishment, filed an appeal before the first respondent board, but the said appeal was rejected by the first respondent by passing an order dated 13.11.2014. It is aggrieved by the said orders dated 28.04.2014, as



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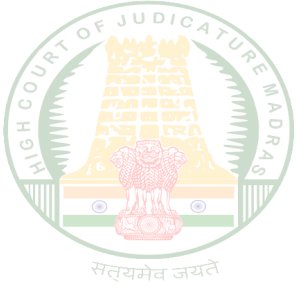
WEB COPY confirmed by order dated 13.11.2014, the petitioner approached this Court by filing the present writ petition.

3. Heard Mr.R.Syed Mustafa, learned counsel appearing for the petitioner and Mr.V.L.Akshai Sajin Kumar, learned counsel appearing for the respondents.

4. The second respondent disciplinary authority accepted the report of the enquiry officer in its entirety. As already noted above, in all four charges were levelled against the petitioner and out of four charges, charges 1, 2 and 4 were held to have not been proved against the petitioner. The said findings of the enquiry officer were accepted by the second respondent. Therefore, the only charge i.e. required to be considered by this Court is only charge No.3. Charge No.3 reads as under :

“குற்றச்சாட்டு எண் : 3

கைக்காகித அலகில் நல்ல வளர்ந்த நிலையில்  
சுமார் 12 ஆண்டுகளுக்கும் மேலான தேக்கு மரங்களை



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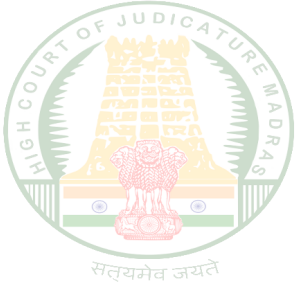
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சம்மந்தப்பட்ட துறை அலுவலர்களின் அனுமதி ஏதும் பெறாத நிலையில் தன்னிச்சையாக மரத்தை வெட்டியுள்ளார். இவர் சட்டம் மற்றும் விதிகளை அறிந்துள்ளவர். இது விசயத்தில் சட்டம் மற்றும் விதிகளுக்குப் புறம்பாக நடந்துள்ளது.”

The imputation of charge in respect of charge No.3 reads as under :

“குற்றச்சாட்டு எண் : 3

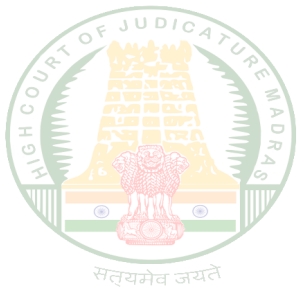
செண்பகபுதூர் கைக்காகித அலகிலுள்ள தொழிலாளர்களை விசாரணை செய்யப்பட்டதில் 3 தேக்கு மரங்கள் வெட்டப்பட்டு உண்மை என்று வாக்குமூலம் அளித்துள்ளார். இதனை உறுதி செய்திடும் பொருட்டு நேரடியாக பார்வையிட்ட போது அலகிலுள்ள தோராயமாக 12 ஆண்டுகள் ஆன விலை மதிப்புள்ள 3 தேக்கு மரங்கள் தற்போது வெட்டப்பட்டு உள்ளது உறுதி செய்யப்பட்டது அவ்வலகின் மேற்பார்வை அலுவலரான மாவட்ட குடிசைத்தொழில் ஆய்வாளரிடம் விசாரணை மேற்கொள்ளப்பட்ட போது மேற்படி புகார் தொடர்பாக கைக்காகித அலகு பொறுப்பாளரான திரு.ஆர்.திருமணி மேற்பார்வையாளர் (கைக்காகிதம்) என்பவர் அலகிலுள்ள



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WEB COPY தேக்கு மரங்களை வெட்டுவதற்கு உதவி இயக்குநர் அலுவலகத்திற்கு எவ்விதத் தகவலும் தெரிவிக்காமல் தன்னிச்சையாக தேக்கு மரங்களை வெட்டியுள்ளார் என வாக்குமூலம் அளித்தும் உள்ளார். இதிலிருந்து இவர் முன் அனுமதி ஏதும் பெறாத நிலையில் 3 தேக்கு மரங்களை வெட்டியுள்ளார் என்பது தெளிவாகிறது.”

5. From the perusal of charge No.3 levelled against the petitioner and the imputation of charge, it is evident that the petitioner, without obtaining prior permission of the concerned department officials, had inadvertently cut the well grown teak trees, aged about 12 years, thereby violated the law and rules of the subject. The imputation of charge is nothing but the repetition of charge, except furnishing the source of information for holding the petitioner responsible for the said charge. From the perusal of the report of the enquiry officer, especially his findings in respect of charge No.3 it is evident that there is no categorical finding recorded by the enquiry officer holding that the petitioner himself got the teak trees cut down. On the other hand, the

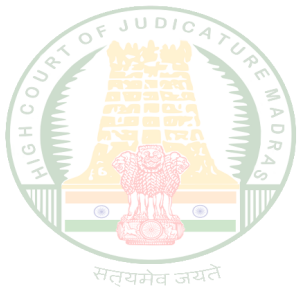


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only finding recorded by the enquiry officer is that the petitioner having concluded about the cutting down of the well grown teak trees not informed to the Regional Deputy Director, Tiruppur or to the Board directly about the cutting down of the said trees. But there is no finding that the petitioner is the person who got the trees cut down. As already noted above, the charge is that the petitioner got the trees cut without obtaining prior permission from the concerned officials. Thus, it is evident that there is no finding that the petitioner is responsible for cutting down of the trees in question. However, the enquiry officer proceeded to hold that the charge has been proved against the petitioner, without there being any finding to the effect that the petitioner is the one who got the trees cut down.

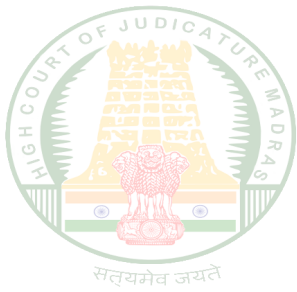
6. From the perusal of the entire report of the enquiry officer also, there is nothing to suggest that the petitioner is in any way responsible for cutting down of the trees. The said report of the enquiry officer including the findings recorded on charge No.3 have been accepted in its entirety by the disciplinary authority i.e. the second



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respondent and proceeded to impose the punishment on the assumption that the charge levelled against the petitioner in charge No.3 as proved. In the light of the above discussion, it is clear that there is no basis for the enquiry officer to hold the charge No.3 as proved especially in the absence of any evidence or findings recorded by the enquiry officer to the effect that the petitioner is the one who got the trees in question cut down. In the light of the above, the conclusion arrived at by the enquiry officer holding that the charge No.3 as proved is perverse and consequently the impugned order passed by the second respondent is also perverse. In spite of the petitioner filing an appeal before the first respondent bringing all these facts to his notice, the first respondent / appellate authority, without application of mind in a mechanical manner rejected the appeal filed by the petitioner without going into the facts and circumstances of the case. In the circumstances, both the impugned orders are liable to be quashed.

7. Accordingly, the impugned order in Na.Ka.No.8479/E3(2)2008 dated 28.04.2014 passed by the second



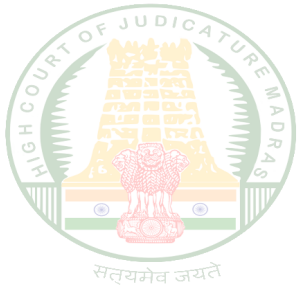
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WEB COPY respondent as confirmed by proceedings Order No.59 dated 13.11.2014, of the first respondent are hereby quashed. The petitioner has already retired from service on attaining the age of superannuation during pendency of this writ petition. The respondents are directed to release the increments withheld, pursuant to the impugned proceedings and pass appropriate consequential orders and release all the amounts for which the petitioner is entitled to, as expeditiously as possible, at any rate, within a period of two (2) months from the date of receipt of a copy of this order.

8. In the result, this Writ Petition is allowed. No costs.

**07.08.2025**

Index: Yes/No  
Internet: Yes/No  
Speaking/Non-Speaking order  
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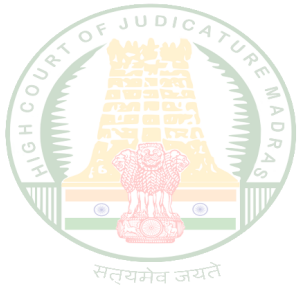
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To

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**MUMMINENI SUDHEER KUMAR, J.**

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