

## IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 05.02.2026

Pronounced on : 06.03.2026

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**THE HON'BLE MR JUSTICE C.V. KARTHIKEYAN****AND****THE HON'BLE MR.JUSTICE K.KUMARESH BABU**

WP No. 26416 of 2023

and

WMP No.25830 of 2023

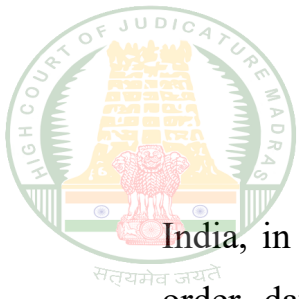
1. The Union of India  
Rep by the Directorate of Postal Service,  
O/o The Postmaster General,  
Southern Region(tn), Madurai - 625 002.
2. Superintendent of Post Office,  
Ramanathapuram Division,  
Ramanathapuram - 623 501.

..Petitioner(s)

Vs.

1. The Registrar  
Central Administration Tribunal, Chennai  
Bench, Chennai.
2. A.Arun,  
S/o. M.Anbu,  
Akkalmdam Village,  
Rameshwaram Taluk,  
Ramanthapuram District - 623 521.

..Respondent(s)



This Writ Petition filed under Article 226 of the Constitution of India, in the nature of Writ of Certiorari, calling for records pertaining to the order dated 24.03.2023 in O.A.1583 of 2015 on the file of the Central Administrative Tribunal Chennai Bench and to quash the same

For Petitioner(s): M/s.K.Srinivasa Murthy, SPCGC

For Respondent(s): Mr.R.Malaichamy for R2  
R1 - Tribunal.

### **ORDER**

*(Order of the Court was made by C.V.Karthikeyan J.)*

The respondents in O.A.No.1583 of 2015 on the file of the Central Administrative Tribunal, Chennai Bench, aggrieved by the order dated 24.03.2023 have filed the present writ petition.

2.The 2<sup>nd</sup> respondent herein, A.Arun, was working as Postal Assistant at Ramanathapuram Head Office, when he was issued with a charge memo dated 28.09.2012. It was alleged that he had suppressed deposits in two Savings Bank account when he was working between 05.02.2010 and 07.03.2011 as Postal Assistant at Sub-Post, Uthirakosamangai, to a total amount of Rs.2,600/-. He had then voluntarily credited a sum of Rs.2,600/- on 08.10.2011 towards the said amount. In this connection, an enquiry was conducted. During the enquiry, one of the witnesses had denied the contents in a statement, in which he had signed as a witness. However, the Enquiry Officer had held that the charges



were proved. It was also stated that the 2<sup>nd</sup> petitioner herein, Superintendent of Post Office, Ramanathapuram Division had directed the 2<sup>nd</sup> respondent to give a reply to the enquiry report by letter dated 07.01.2015. The 2<sup>nd</sup> respondent denied the charges. However, he was removed from the service by the 2<sup>nd</sup> petitioner by order dated 25.02.2015. The 2<sup>nd</sup> respondent filed an appeal before the 1<sup>st</sup> petitioner herein who rejected the appeal by order dated 27.07.2015. Challenging these orders, the 2<sup>nd</sup> respondent had filed the Original Application before the Tribunal.

3. In its order, the Tribunal held that the enquiry proceedings were vitiated since the enquiry was conducted without examining the defacto complainant and without the defacto complainant being subjected to cross examination. It was further held that the findings given by the Enquiry Officer, were not tenable. In view of specific findings of violation of principles of natural justice, the Tribunal had remitted the matter back to the Appellate Authority and had further directed to consider the matter sympathetically for imposition of any lesser punishment than the dismissal or removal from service which would rob the employee all of his earned benefits and it was further directed that the respondent authorities should pass appropriate orders within a period of two months from the date of receipt of copy of the order.

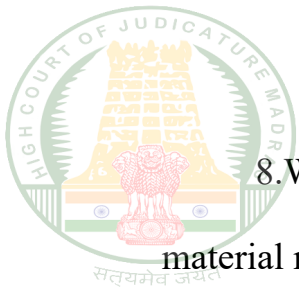


4. The present writ petition has been filed challenging the aforementioned observation of the Tribunal encroaching into the discretion of the Appellate Authority on the nature of punishment that should be imposed on the 2<sup>nd</sup> respondent.

5. Heard arguments advanced by Mr.K.Srinivasa Murthy, learned Senior Panel Counsel for the petitioners and Mr.R.Malaichamy, learned counsel for the 2<sup>nd</sup> respondents.

6. Mr.K.Srinivasa Murthy, learned Senior Panel Counsel appearing for the petitioners, pointing out the facts of the case, stated that the Tribunal had given reasons for remitting the matter back for fresh enquiry, but at the same time had given a direction about the nature of punishment which should be imposed and argued that since that direction encroached on the discretion of the Appellate Authority, should be set aside by this Court.

7. Mr.R.Malaichamy, learned counsel for the 2<sup>nd</sup> respondent, however, contended that the entire disciplinary proceeding stood vitiated for the systematic violation of principles of natural justice and argued that the observations of the Tribunal were not mandatory in nature and stated that the writ petition should be dismissed and there should be no interference with the said observations.



8. We have carefully considered the arguments advanced and perused the material records.

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9. The fact that the 2<sup>nd</sup> respondent was working as Postal Assistant in Ramanathapuram Head Office and was deputed to Uthirakosamangai, Sub-Post Office in the year 2012 is not disputed. During that period, he was visited with a charge memo alleging that he had suppressed deposits in two Savings Bank account amounting to Rs.2,600/- and that he had voluntarily deposited the said amount on a later date. A perusal of the order of the Tribunal would reveal that, during enquiry, principles of natural justice had been vitiated. It had been observed that though one Shanmugaraju stated that he did not know the contents of the statement in which he was asked to sign as a witness, the said statement was taken note of by the Enquiry Officer. Further, yet another statement recorded from M.Murugeswari was signed by P.Muniyandi which would indicate that M.Murugeswari was not the author of the said statement. It was further observed that the defacto complainant was not examined and also was not subjected to cross examination.

10. We have perused the records and we find that these observations of the Tribunal are supported by the records. We therefore hold that the Tribunal was a right in holding that the principles of natural justice were violated during the course of enquiry and that therefore, the matter had to be remanded back for fresh enquiry. We however hold that the further observations of the Tribunal



regarding the nature of punishment imposed will necessarily have to be set aside, as the Tribunal has no authority to encroach upon the discretion of the

Disciplinary Authority or the Appellate Authority with respect to the nature of punishment to be imposed if the charges are held proved.

11. In view of above observations, we would partly allow the writ petition by maintaining the directions to remit the matter back for fresh enquiry, but by setting aside the observation of the Tribunal regarding the nature of punishment to be imposed on the 2<sup>nd</sup> respondent.

12. In the result, the writ petition stands partly allowed with the above observations. No costs. Consequently, connected miscellaneous petition is closed.

**(C.V.K.,J.) (K.B.,J.)**  
**06-03-2026**

smv  
Index: Yes/No  
Speaking/Non-speaking order  
Neutral Citation: Yes/No



WP No. 26416 of 2



To

1. The Registrar  
Central Administration Tribunal,  
Chennai Bench, Chennai.

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WP No. 26416 of 2



**C.V.KARTHIKEYAN, J.  
AND  
K.KUMARESH BABU, J.**

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Pre-delivery order made in  
WP No. 26416 of 2023

06-03-2026