

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

RESERVED ON : 19.02.2026

PRONOUNCED ON : 06 .03.2026

CORAM :

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN
AND
THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

W.P.No. 26950 of 2025

V.Vijayaraghavan
S/o. Late Venkatapathy

... Petitioner

Vs.

1. Government of Puducherry
by its Chief Secretary
Chief Secretariat, Goubert Avenue,
Puducherry – 605 001.
2. The Secretary to Government, CCD (CVO)
Chief Secretariat, Puducherry – 605 001.
3. The Secretary to Government (Transport),
Chief Secretariat, Puducherry – 605 001.
4. Transport Commissioner
Government of Puducherry
Transport Department,
Puducherry – 605 004.

...Respondents

PRAYER: Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus to call for the records



and quash the impugned order dated 12.03.2025 passed by the Hon'ble Central Administrative Tribunal, Chennai in O.A.No. 506 of 2023 and direct the respondents to grant and pay with retrospective effect all pensionary and retirement benefits as per rule calculated on the basis of applicable pay scale w.e.f 30.09.2013 to the petitioner.

For Petitioner : Mr. B.A.Sujay Prasanna
For Respondents : Mr. R.Syed Mustafa
Special Government Pleader
Puducherry

ORDER

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

The petitioner in O.A.No. 506 of 2023 aggrieved by the order of dismissal of the said original application by the Central Administrative Tribunal, Chennai Branch, by order dated 12.03.2025 is the petitioner herein.

2. The petitioner had joined service in the Department of Transport in the Government of Puducherry as Assistant Motor Vehicle Inspector in 1984. He was promoted as Assistant Engineer on 27.06.2001



and was officiating as Regional Transport Officer. When he was officiating

WEB COPY

as Regional Transport Officer, Karaikkal, the Central Bureau of Investigation registered a FIR against him for commission of offence punishable under Section 7 and under Section 13(2) read with Section 13(i) (d) of Prevention of Corruption Act, 1988 on a complaint for demand of bribe.

3. The petitioner was placed under suspension on 12.07.2010 and later the suspension was revoked on 22.08.2011 and he was permitted to join duty.

4. On completion of investigation, the final report was filed in the Additional Sessions Court at Karaikkal which was taken cognizance as Special C.C.No.1 of 2010. By Judgment dated 06.03.2012, the petitioner was convicted of the offences alleged against him.

5. The petitioner filed Criminal Appeal No. 185 of 2012 before this Court.

6. Even when the Criminal Appeal was pending, the petitioner, who

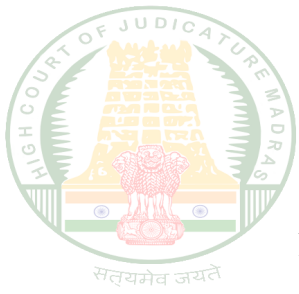


had attained the age of superannuation on 30.09.2013 was removed from service under Rule 19(1) of the Central Civil Services (Classification, Control and Appeal) Rules 1965.

7. This Court had however allowed the Criminal Appeal by Judgment dated 18.01.2018. The petitioner was acquitted of all charges. Thereafter, the petitioner made a representation seeking revocation of the punishment of removal from service. That was not acceded to by the respondents necessitating filing of the Original Application before the Tribunal.

8. The Tribunal by its order dated 12.03.2025 had dismissed the Original Application holding that the acquittal was not a honourable acquittal. Questioning that particular order, this Writ Petition had been filed.

9. Heard Mr.B.A.Suja Prasanna, learned counsel for the petitioner and Mr.R.Syed Mustafa, learned Special Government Pleader for Union Territory of Puducherry for the respondents.



WEB COPY

10. The facts are not in dispute. The petitioner was employed as Regional Transport Officer at Karaikal, when on the basis of a complaint lodged, the Central Bureau of Investigation had laid a trap and the petitioner was said to have been caught red handed while demanding and accepting bribe. In this connection, an FIR had also been registered for offence punishable under Section 7 and under Section 13(2) read with Section 13(i)(d) of the Prevention of Corruption Act, 1988. Subsequent to the investigation, final report was filed before the Additional Sessions Court at Karaikkal and taken cognizance as Special C.C.No. 1 of 2010. By Judgment dated 06.03.2012, the petitioner was convicted of the offences.

11. The petitioner was removed from service on the last date of service on 30.09.2013 invoking Rule 19(1) of CCS (CCA) Rules 1965. Rule 19 provides the Special Procedure in certain cases and the Rule is as follows:-

“19. SPECIAL PROCEDURE IN CERTAIN CASES:

Notwithstanding anything contained in rule 14 to rule 18-



WEB COPY



(i) where any penalty is imposed on a Government servant on the ground of conduct which has led to his conviction on a criminal charge, or

(ii) where the disciplinary authority is satisfied for reasons to be recorded by it in writing that it is not reasonably practicable to hold an inquiry in the manner provided in these rules, or

(iii) where the President is satisfied that in the interest of the security of the State, it is not expedient to hold any inquiry in the manner provided in these rules,

the disciplinary authority may consider the circumstances of the case and make such orders thereon as it deems fit:

Provided that the Government servant may be given an opportunity of making representation on the penalty proposed to be imposed before any order is made in a case under clause (i):

Provided further that the Commission shall be consulted, where such consultation is necessary *[and the Government servant has been given an opportunity of representing against the advice of



WEB COPY

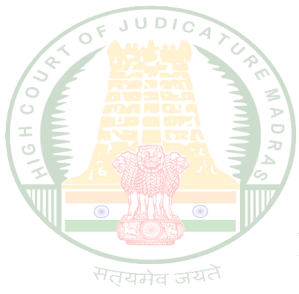


the Commission,] before any orders are made in any case under this rule.”

12. The aforementioned mentioned rule gives leverage to the disciplinary authority to impose punishment on a Government Servant on the ground of conduct which has led to his conviction of a criminal charge.

13. The petitioner had however filed Criminal Appeal No. 185 of 2012 before this Court and by Judgment dated 18.01.2018, he was acquitted of all charges. The petitioner therefore sent a representation seeking interference with the punishment imposed by him. This was rejected on the ground that the acquittal cannot be categorised as a honourable acquittal.

14. The learned counsel for the writ petitioner pointed out that the petitioner having been acquitted of all charges should necessarily have been reinstated into service and the only option available for the respondents was to proceed to file a further Appeal against the said Judgment. It was contended by the learned counsel that the refusal to revoke the punishment imposed should be interfered with by this Court.



WEB COPY

15. The learned Special Government Pleader however pointed out that the acquittal was not a honourable acquittal and that therefore no ground had been made to review the order of removal. It was contended that when benefit of doubt had been given and acquittal follows on that ground, then it cannot be considered as a honourable acquittal. It had been stated that therefore, no grounds have been canvassed to set aside the order of removal from service.

16. We have carefully considered the arguments and perused the materials available on records.

17. The only issue to be examined is whether the petitioner having been acquitted by this Court in Criminal Appeal No. 185 of 2012 by Judgment dated 18.01.2018, can take advantage of the said Judgment and seek withdrawal or revocation of the punishment of removal from service. The ancillary question which has to be answered is whether a Judgment of acquittal can be classified as honourable or otherwise.

18. Any Judgment should be read as a whole to determine whether



WEB COPY

the prosecution had proved the charges beyond reasonable doubt or whether the prosecution had failed to produce necessary evidence to prove the charges or whether, on appreciation of evidence, there being two views possible, the Court had acquitted the accused of the charges alleged.

19. When the Judgment of this Court in CrI.A.No. 185 of 2012 is examined from that angle, it is seen that it had been very categorically held that the prosecution had failed to prove payment and acceptance of bribe by the petitioner herein. It had been held that the defacto complainant was not present inside the room during the trap proceedings. It had also been held that there was no credible evidence had been adduced to prove that the petitioner had demanded the bribe amount. It had been further held that the evidence of the witness who claimed that he was present when the amount was accepted is highly doubtful and his presence itself was doubtful. It had been held that his evidence lacks credibility.

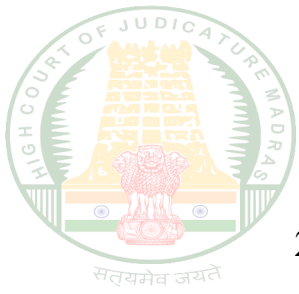
20. The learned Single Judge of this Court further observed that the amount which was recovered was a fine amount and though it was insisted that it should be paid to the cashier, the same was handed over to the petitioner with intention to falsely implicate him in the case. It had been



finally concluded as follows:-

WEB COPY

“23. In the present case, the prosecution has failed to prove the factum of demand and acceptance of bribe by the accused with acceptable evidence. The only other materials available is recovery of tainted currency notes from the possession of the accused. However, the accused clearly explained that the calculated penalty amount for the seized vehicle was Rs.35,000/- and P.W.2 has left before the said amount in his table, instead of remitting the same with cashier. Further, as stated above, in the light of contradictions between the statement recorded by the Inspector of Police and the oral evidence of the witnesses before the Court, the foundation of the prosecution case has been shaken to great extent. In such circumstances, grave doubt arises about the veracity the case and the subsequent events as projected by the prosecution, in my considered opinion is not sufficient to prove the guilt of the accused/appellant beyond all reasonable doubts. Hence, the appellant is entitled for benefit of doubt and the appeal is to be entertained. The point is answered accordingly. ”



WEB COPY

21. A careful reading of the entire Judgment would show that the acquittal was on the ground that the demand had not been proved and a plausible explanation had been given for the possession of the amount seized by the prosecution. The presence of the witness was termed highly doubtful and the evidence tendered was termed as lacking credibility. Thus, the very genesis of the prosecution case had failed.

22. Even otherwise, it would be highly improper to examine whether the Judgment of the acquittal is a honourable acquittal or not. The acquittal was based on no evidence produced by the prosecution. It is thus clear that it can never be termed as extension of a benefit or a graze shown to the petitioner. He had been acquitted because the witnesses marshalled by the prosecution were disbelieved by the Court and the crux of the charge had not been proved by the prosecution.

23. We hold that the decision of the Tribunal that the Judgment in CrI.A.No. 185 of 2012 is not a honourable acquittal has to be set aside.

24. In the result, the Writ Petition stands allowed. The respondents are directed to pass appropriate orders setting aside the order of removal of the petitioner from service and effect payment of all terminal benefits and



other benefits payable to him on his retiring on attaining the age of

superannuation. No costs.

[C.V.K., J.]

[K.B., J.]

06.03.2026

Index: Yes/No

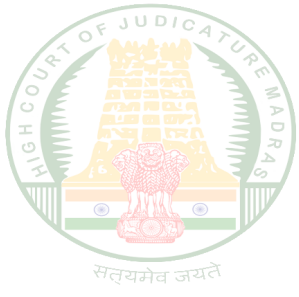
Internet: Yes/No

Neutral Citation: Yes/No

vsg

To:

1. The Chief Secretary
Government of Puducherry
Chief Secretariat, Goubert Avenue,
Puducherry – 605 001.
2. The Secretary to Government, CCD (CVO)
Chief Secretariat, Puducherry – 605 001.
3. The Secretary to Government (Transport),
Chief Secretariat, Puducherry – 605 001.
4. Transport Commissioner
Government of Puducherry
Transport Department,
Puducherry – 605 004.



WEB COPY

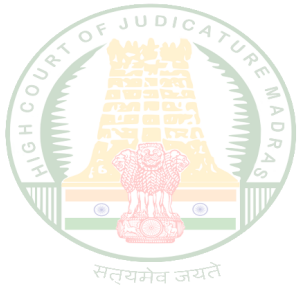


C.V.KARTHIKEYAN, J.
AND
K.KUMARESH BABU, J.

vsg

Pre-Delivery Order made in

W.P.No. 26950 of 2025



WEB COPY



06.03.2026