

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 12.02.2026

Pronounced on : 02.04.2026

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CORAM

THE HON'BLE MR JUSTICE C.V. KARTHIKEYAN

AND

THE HON'BLE MR JUSTICE K.KUMARESH BABU

WP No. 5928 of 2023

S.Srinivasan

..Petitioner(s)

Vs

1. Union of India
Rep. by the Director (Mails SP and FP)
Chennai - 600 006.
2. The Appellate Authority
Western Region (for staff)
TN Circle O/o PMG,
Coimbatore 641 002.
3. A. Sundararajan
Formerly Asst. Supdt of Post offices,
Pollachi North Sub Division Pollachi,

(Up to 19.10.2008 and from 03.04.2009 to
14.06.2011) officiating leave vacancy
Superintendent of Post
Offices Tiruppur Division
(20.10.2008 to 01.04.2009)
Tiruppur - 641 601 and now the Supdt. of Post
Offices, Salem West Division.



4. The Central Administrative Tribunal
Chennai Bench by its Registrar,
Madras High Court Buildings,
Chennai – 104.

..Respondent(s)

Writ Petition filed under Article 226 of the Constitution of India, in the nature of Writ of Certiorarified Mandamus, calling for the records of the 4th respondent in order dated 20.09.2016 passed in O.A. No. 687 of 2012 and R.A.No. 4 of 2017 in O.A. No. 687 of 2012 dated 23.09.2019 and to quash the same and consequently direct the respondents to provide all service benefits for the purpose of arriving at pension.

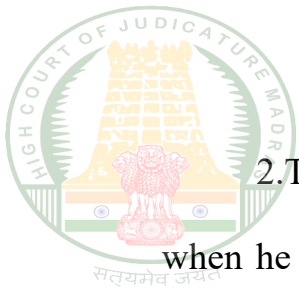
For Petitioner(s): Mr.J.Srinivasa Mohan
M/s.TVJ Associates

For Respondent(s): Mr.AR L.Sundaresan,
Additional Solicitor General
Assisted by Mr. J.Madanagopal Rao for RR1 to 3
R4-Tribunal

ORDER

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

The petitioner in O.A.No.687 of 2012 on the file of the Central Administrative Tribunal, Chennai, aggrieved by the order dated 20.09.2016 dismissing the said Original Application and by the order dated 23.09.2019 in R.A.No.4 of 2017 in the said O.A.No.687 of 2012 is the writ petitioner herein.

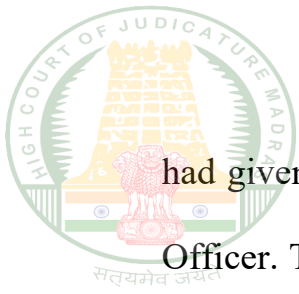


2. The petitioner was working as Postal Assistant in HPO Dharapuram, when he discharged five KVPS (Kisan Vikas Patras) and paid R.65,100/- to a lady claiming to be the mother and guardian of a minor investor R.Lavanya by obtaining signatures in the said KVP Certificate Nos.67CC 256089 to 256093 in the presence of R.Chidambaram, the Village Postman, Kambiliyampatti Village, who identified the lady as the mother and guardian of the said minor Lavanya. The amount was then paid to her. The original certificates were received from her and duly invoiced in the daily account dated 17.06.2003 and sent to HPO, Dharapuram.

3. After about three weeks, the Assistant Postmaster in Dharapuram Head Post Office made a report that the mother of the minor Lavanya had died and information had been sought to find out how to encash the certificates.

4. An enquiry was therefore conducted regarding the discharge of the certificates. During preliminary enquiry, R.Chidambaram gave a statement that he received only Rs.60,000/- and not Rs.65,100/-. It was claimed that one Palanisamy had got the amount from Chidambaram as he was the person with whom the certificates had been pledged.

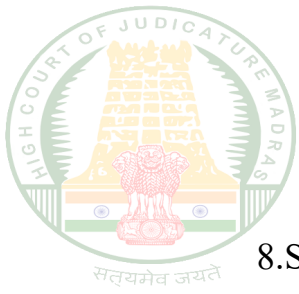
5. On this issue, disciplinary proceedings were initiated and a charge memo was issued on 28.04.2004. The charge was held proved. The petitioner



had given a representation on 09.06.2008 questioning the report of the Enquiry Officer. Thereafter, a punishment of dismissal from service was imposed on the writ petitioner. The writ petitioner filed an appeal which was forwarded before the Appellate Authority who rejected the appeal.

6.Questioning the said order passed, the petitioner filed OA.No.687 of 2012 before the Central Administrative Tribunal. The Tribunal in its order dated 20.09.2016 observed that during the enquiry, the witnesses had been examined by the writ petitioner himself. He had also produced 13 documents as defence exhibits. He also summoned 8 witnesses as defence witnesses. He also filed 14 additional documents though they were not taken on record as defence exhibits. It was therefore held that adequate opportunity had been granted to the writ petitioner.

7.The contention of the writ petitioner that the order of dismissal from service was passed by an incompetent authority was rejected. It was noted that R.Chidambaram the witness in the case had paid back the amount received by him in the post office account. It was also held that any amount above the sum of Rs.20,000/- should have been paid by cheque, whereas the writ petitioner had paid a sum of Rs.65,100/- by cash, again in contradiction with rules. In view of these reasons, the Tribunal had dismissed the Original Application.



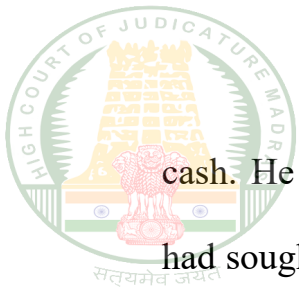
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8. Subsequently, the writ petitioner filed R.A.No.4 of 2017 seeking review of the order. The Tribunal, without entering into discussion on facts, examined the power of the Tribunal to review its own orders and further holding that no substantial ground had been made to review the order, dismissed the same by order dated 23.09.2019.

9. The writ petition had been filed challenging both the said orders.

10. Heard arguments advanced by Mr.J.Srinivasa Mohan learned counsel for the petitioner for M/s.TVJ Associates and Mr.AR L. Sundaresan, Additional Solicitor General for the 1st to 3rd respondents assisted by Mr.J.Madanagopal Rao.

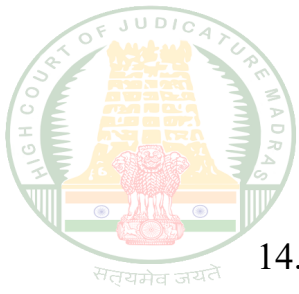
11. The learned counsel for the petitioner took the Court through the facts of the case. He pointed out that when the writ petitioner was working as Postal Assistant in HPO Dharapuram, he had discharged five KVPs to a lady who claimed to be the mother and guardian of a minor investor R.Lavanya and after obtaining her signatures in the certificates, had paid Rs.65,100/- to her. Her signatures were attested by R.Chidambaram, Village Postman, Kambiliyampatti Village. The learned counsel pointed out the value of each certificate was less than Rs.20,000/- and therefore, the petitioner had discharged the amount by



cash. He further pointed out that R.Chidambaram had identified the lady who had sought discharge of the KVPs and had signed as a witness. It was therefore contended by the learned counsel that no irregularity could be imputed on the writ petitioner in the discharge of the certificates.

12. With respect to the enquiry proceedings, the learned counsel assailed the same on the ground that necessary opportunity had not been granted to the writ petitioner. He pointed out that the order of dismissal was passed by an incompetent officer. In this connection, the learned counsel placed reliance on the order of the Principal Chief Post Master General, Tamil Nadu Circle, whereby, A. Sundararajan, Assistant Superintendent of Posts was appointed as Superintendent of Posts, Tiruppur Division, to officiate as Superintendent of Posts. The learned counsel argued that he was only working as in-charge as Superintendent of Posts, Tiruppur Division and was therefore not vested with the authority to pass an order of major penalty of dismissal from service.

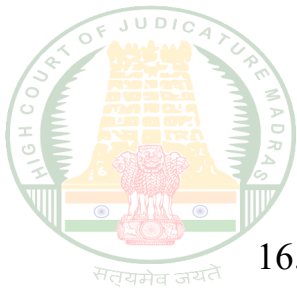
13. The learned counsel thus contended that there was no irregularity in the discharge of the certificates by the writ petitioner and further contended that the order of dismissal from service had been passed by an officer who was not competent to pass such an order and had no jurisdiction vested with him to pass such an order. In view of these reasons, the learned counsel argued that the order of dismissal from service of the petitioner must be set aside by this Court and urged that the petitioner should be reinstated in service with monetary and other attendant benefits.



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14.The learned Additional Solicitor General disputed the said contentions. The learned Additional Solicitor General pointed out that though five KVPs discharged by the petitioner, the total amount discharged was Rs.65,100/- and a cheque should have been issued for that amount. The learned Additional Solicitor General stated that they were not five separate transactions but had been discharged as one transaction to one individual alone and alleged that the petitioner had violated the rule that any discharge for a sum of Rs.20,000/- and more should be done only through cheque and not by cash.

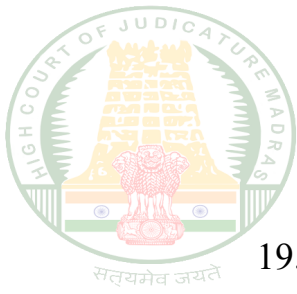
15.The learned Additional Solicitor General further argued that the claimant for the amount due under the certificates herself was a false claimant. The amount had been discharged to a person who claimed to be the mother and guardian of a minor investor Lavanya, when the mother had actually died. The contention of the petitioner that she was identified by the village postman of a neighbouring post office would only show collusion between the petitioner and the said village postman. The learned Additional Solicitor General stated that this was a serious dereliction of duty by the petitioner and contended that since charges had been proved and there has no complaint about violation of principles of natural justice during the process of enquiry, the order of punishment was proportionate to the nature of charge and there could be no alternate to the said order.



16. With respect to the competency of the officer who passed the order of dismissal, the learned Additional Solicitor General stated that, as a delegate, the officer was vested with all powers relating to administration including the order to pass any punishment against any delinquent. The learned Additional Solicitor General therefore justified the order passed. He sought dismissal of the writ petition.

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

18. The petitioner, S. Srinivasan was working as Assistant Postmaster at Dharapuram HPO. He had discharged five KVPs which were in the name of a minor investor, Lavanya to a stranger lady who claimed to be the guardian of the minor Lavanya. The total value of the said KVPs was Rs.65,100/-. He discharged the same to the stranger lady, on the basis of an attestation of R. Chidambaram, Village Postman, Kambiliyampatti Post Office who identified her and had signed as a witness. Even if the said lady had been identified and even if the said village postman had signed as a witness, since the five KVPs constituted one transaction, since the amount was more than Rs.20,000/-, the petitioner should have ensured that he had issued a cheque for the amount discharged. He however paid the amount by cash.



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19. Later, the Assistant Postmaster at Dharapuram HPO commenced an enquiry, on the ground that the KVPs had been discharged to a stranger lady. The village postman, R.Chidambaram was enquired. He stated that he had received a sum of Rs.60,000/- and the balance amount of Rs.5,100/- was taken as expenditure. It was contended that the amount discharged was paid to one Palanisamy with whom the KVPs had been pledged.

20. The above sequence of events show the deep underlying fraud committed in the Head Post Office, Dharapuram. In the first place, KVPs which stood in the name of the minor should not have been discharged in the name of a stranger lady even though she had been identified by R.Chidambaram, Postman of Kambiliyampatti Village. Even if there was no doubt about her identity the amount discharged of Rs.65,100/- should have been paid by cheque.

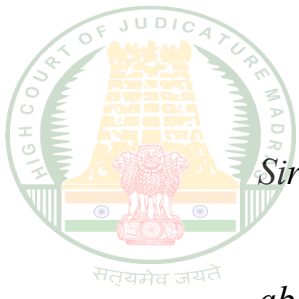
21. The circular directing cheques to be issued for any payment of Rs.20,000/- or more is as follows:

DEPARTMENT OF POSTS, INDIA.

To

The SPM

*Sub:-Payment of RD, TD, MIS withdrawal and Discharge of
KVP and NSCs by cheque – reg.*



Sir/Madam,

As per PO SB/SC, manual, the payments of Rs.20000 or above should be paid by cheque only.

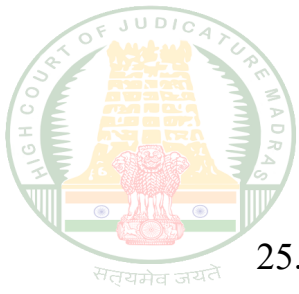
Any violation of this rule will be reported to SPo's Tirupur.

*POSTMASTER,
DHARAPURAM HPO.*

22.The writ petitioner had violated this particular rule either out of ignorance or deliberately. The Village Postman, Kambiliyampatti Village, R.Chidambaram, who had identified the stranger lady to whom the amount was discharged had given a statement that though the maturity amount was Rs.65,100/- he received Rs.60,000/- and Rs.5,100/- had been retained as expenditure. This allegation could have been avoided had the petitioner issued a cheque for the amount discharged.

23.We hold that the writ petitioner had failed in his duty to adhere to the rules and regulations of his work.

24.Later, a complaint emanated that the mother of the minor investor had actually died in an accident. The petitioner had therefore discharged the amount to an imposter who was not entitled to receive the same.



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25. In this connection, disciplinary proceedings had been initiated against the writ petitioner. During the enquiry proceedings, the charge was held to be proved. It is also seen that during the enquiry proceedings, as noted by the Tribunal, the petitioner had participated as party-in-person and had also marshalled witnesses and produced documents and also cross-examined the witnesses. Thus, there was no violation of principles of natural justice.

26. The learned counsel for the petitioner, however, widened the scope by arguing that the disciplinary authority who passed the order of dismissal from service, A.Sundararajan, Superintendent of Post Offices, Tiruppur Division was holding in-charge of the post and was therefore not competent to pass such order.

27. This contention was strongly refuted by the learned Additional Solicitor General.

28. The order appointing A.Sundararajan as Superintendent of Posts, Tiruppur Division had been produced and the same is as follows:



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DEPARTMENT OF POSTS

*From**To*

*Principal Chief PMG
Tamilnadu Circle Chennai
600002*

*The Postmaster General
Western Region
Coimbatore 641002*

NO STC/1-6/08(A) Pt dated at Chennai 600002 the 07.10.2008

Sub: Arrangements of substitute officer for leave vacancy - c/o Shri V Ramasamy, SPO's, Tirupur Division – reg

Ref: Your office letter no STB/16203/2008 dated 09.09.08

The Principal Chief Postmaster General, Tamilnadu Circle, Chennai has appointed Shri A Sundararajan, ASP, Pollachi North Sub Division for officiating arrangement as SPO's, Tirupur Division in the leave vacancy of Shri V Ramasamy subject to the other usual conditions.

Shri A Sundararajan should join as ASP in Western Region on his reversion from Group B Cadre.

/Signed/

(S Kandasamy)

Asst Postmaster General (Staff)

For Pr.Chief Postmaster General

T.N Circle, Chennai 600002

Ph 044 28520390 and Fax 23521535

Copy to:

Shri A Sundararajan, ASPO's. Pollachi North Sub Division, Pollachi 642002 for information and necessary action

/Signed/

APMG(Staff)

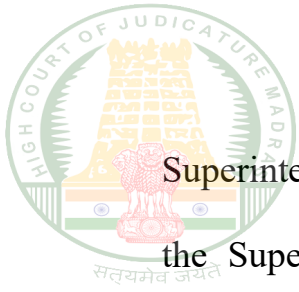


29. It is contended by the learned Additional Solicitor General that this delegation was made under Fundamental Rule 6 of Appendix-3 in F.R.No.9(19), which stipulated that the extent of power delegated was full power. The said Rule is as follows:

<i>Serial No. (1)</i>	<i>F.R. Number (2)</i>	<i>Nature of Power (3)</i>	<i>Authority to which the power is delegated (4)</i>	<i>Extent to power delegated (5)</i>
3	9(19)	<i>Power to appoint a Government servant officiate in a vacant post.</i>	<i>Any authority which has power to make a substantive appointment to the post.</i>	<i>Full power.</i>

30. It had been further contended by the learned Additional Solicitor General that as per Rule 12(2) of CCS (CCA) Rules, 1965, any penalty including the penalty of dismissal from service could be passed by the disciplinary authority who was the authority competent to pass such an order. It was thus contended that the Government servant who officiated in the vacant post had full powers.

31. The contention of the learned counsel for the petitioner that the order of punishment was passed by an officer incompetent to pass such an order is rejected by us. A.Sundararajan was holding full power while officiating as



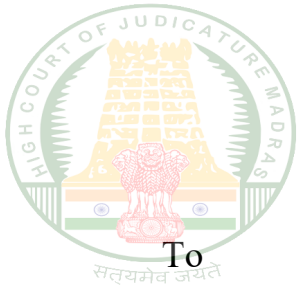
Superintendent of Posts, Tiruppur Division. There is no contention raised that the Superintendent of Posts did not have authority or power to impose a punishment of dismissal from service. The communication under which such delegation was given has also been extracted above. It very clearly indicates that A.Sundararajan would officiate as Superintendent of Posts, Tiruppur Division in the leave vacancy. The word 'officiate' would indicate right and power to discharge all duties in that post. The officer who so delegated the power was also competent to issue such an order. We therefore hold that the order dismissing the petitioner from service was issued by an office competent to issue such an order.

32. In view of these reasons, we hold that the writ petition has to necessarily fail and accordingly, the same stands dismissed. No costs.

(C.V.K.,J.) (K.B.,J.)
02-04-2026

smv

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



To

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WP No. 5928 of 2



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

smv

Pre-delivery order made in
WP No. 5928 of 2023

02-04-2026