



2025 INSC 1470

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

Special Leave Petition (C) No.3256 of 2025

**The Secretary to Government, Social Welfare
And Nutritious Meal Programme (SW1)
Department & Anr.**

...Petitioners

Versus

P. Perumal

...Respondent

ORDER

1. The controversy raised in the above Special Leave Petition, by the State, is only as to whether the delay occasioned in revising and enhancing the punishment imposed, under Rule 36 of the Tamil Nadu Civil Services (Discipline and Appeal) Rules (for short the “Discipline and Appeal Rules”), vitiates the order itself.

2. The High Court found that the communication of the proposal for revision and the order of enhancement of the punishment, to one of dismissal, was grossly delayed. The admitted facts are that the respondent while continuing as Supervisor was charge-sheeted and a disciplinary proceeding was initiated in the year 2012. Pursuant to the

report of the Enquiry Officer, the disciplinary authority passed an order imposing a punishment of stoppage of increment for two years without cumulative effect, on 13.11.2017. It is pertinent to note that the report of the Enquiry Officer was in the year 2013, four years after which the disciplinary authority imposed the punishment in 2017. Be that as it may, the respondent did not challenge the order of punishment on any grounds and not at all on the aspect of delay. The punishment imposed of stoppage of increment for two years without cumulative effect, attained finality and was suffered in full.

3. Later, a show-cause notice was issued on 27.02.2020 under Rule 36 of the Discipline and Appeal Rules seeking to enhance the punishment and convert it to a major punishment of removal from service. The respondent immediately replied on 19.03.2020, requesting the action proposed to be dropped. Much later, the respondent was removed from service on 04.01.2021.

4. Admittedly, the respondent attained the age of superannuation in May 2020. We, hence, put a query to Mr. Raju Ramachandran, learned Senior Counsel appearing for the petitioner-State as to whether the respondent's retirement was subject to continuation of proceedings, failing which the

employer-employee relationship ceases on superannuation. Learned Senior Counsel, on instructions clarified that since at that point of time the pandemic was raging throughout the country, the respondent along with other employees, were continued and it was during such continuance that the order of removal from service was passed.

5. Though, we are not convinced that the extension beyond retirement on exigency; which Mr. R.S Anandan, learned counsel for the respondent submits was after the date of retirement, would necessarily enable the State to continue the disciplinary proceedings beyond superannuation, without a clear rider to that effect, we would not dwell upon it since even on the ground stated by the High Court, we are not convinced that the SLP can be entertained.

6. To explain the delay Mr. Raju Ramachandran, learned Senior Counsel specifically pointed to Rule 36 of the Discipline and Appeal Rules, which does not provide any limitation for the purpose of making such revision. The decision to revise the punishment was taken on 04.12.2018 within 5 months of the order of punishment issued is the contention. The further proceedings were delayed due to covid and the usual

rigmarole to which every governmental action is susceptible, is the argument.

7. First, we notice Rule 36 of the Discipline and Appeal Rules, which is extracted in the impugned judgment. There is a clear limitation of six months provided for revision to be made *suo motu* or otherwise, calling for the records of any enquiry and after consultation with the Tamil Nadu Public Service Commission, to cause revision of the orders of punishment already passed. When there is a six-month limitation provided for the decision to be taken, it cannot be said that after the decision is taken, the State could take its own sweet time to issue the show cause notice. The primary fallacy in the said argument is that on 04.12.2018, there was only a proposal to revise the earlier order, which proposal cannot crystalize into a decision unless the employer is given a reasonable opportunity of hearing, which Rule 36 itself mandates. It is to this end that a show-cause notice is contemplated, which was issued on 27.02.2020 and the decision arrived at on 04.01.2021, much beyond the limitation of 6 months.

8. The proposal to revise and enhance the punishment if not immediately communicated to the employee, the delay and

the change in circumstances, as in this case, would inure to the benefit of the delinquent, by reason first of the limitation and then the prejudice occasioned and more importantly this would weaken and erode the State's authority and undermine public interest.

9. There was no semblance of the pandemic in 2018 nor even an apprehension of such a mishap befalling the world. The first show cause notice issued to the respondent was on 27.02.2020. Again, despite reply having been given by the respondent on 19.03.2020, the order imposing the punishment of removal from service was passed on 04.01.2021. The State obviously had dragged its feet at every instance seriously prejudicing the respondent. The statutory mandate of revision in 6 months also stood violated.

10. We have to also pertinently observe that, by the time the show-cause notice was issued on 27.02.2020, the respondent had already suffered the punishment imposed of stoppage of increment for two years without cumulative effect. In the year 2019, after the rigour of punishment of two years, his two increments were restored since the stoppage was without

cumulative effect. The respondent hence was imposed with two punishments for the very same misconduct.

11. The order revising the earlier punishment for all the above reasons, apart from the bar of limitation, is arbitrary, unreasonable and unconscionable and not expected in fairness; especially from the State who should be a model employer.

12. The Special Leave Petition stands rejected, restoring the respondent; with all benefits of service, and retirement with every dues.

13. Pending applications, if any, shall stand disposed of.

..... J.
(AHSANUDDIN AMANULLAH)

..... J.
(K. VINOD CHANDRAN)

NEW DELHI
DECEMBER 11, 2025.