

GAHC040002382018



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)
(ITANAGAR BENCH)

Case No. : WP(C)/74/2018

SHRI TARUN CHOUDHURY
S/O LT. M. CHOUDHURY, WORK INSPECTOR, JENGGING ELECTRICAL SUB
DIVISION AT JENGGING, PIN 791002 , DIST. UPPER SIANG AP. MOBILE NO.
9854678928

VERSUS

1:THE STATE OF A.P. THROUGH THE SECRETARY TO THE GOVT. OF AP,
DEPTT. OF POWER and HYDRO POWER DEVELOPMENT, ITANAGAR.

2:THE SUPERINTENDING ENGINEER Age: 0 Occupation : JENGGING CIVIL
CIRCLE DEPTT. OF HYDRO POWER DEVELOPMENT JENGGING PIN -791002

3:THE EXECUTIVE ENGINEER Age: 0 Occupation : YINGKIONG ELECTRICAL
DIVISION DEPTT. OF POWER YINGKIONG PIN -791002 DIST. UPPER SIANG.

4:THE EXECUTIVE ENGINEER Age: 0 Occupation : DEPTT. OF HYDRO
POWER DEVELOPMENT GEKU DIVISION
GEKU-791002 DIST. UPPER SIANG

Advocate for the Petitioner : J. Jini

Advocate for the Respondent : S. Tapin

**BEFORE
HONBLE MR. JUSTICE N. UNNI KRISHNAN NAIR**

ORDER

Date : 24-07-2024

Heard Mr. J. Jini, learned counsel for the petitioner. Also heard Mr. S. Tapin, learned Senior Government Advocate for the respondents.

2. The petitioner by way of instituting the present proceedings has presented a challenge to an Order dated 19.02.2014, by which, on conclusion of the present Departmental Proceedings so initiated against the him, the petitioner was imposed with a penalty of compulsorily retirement from the service with effect from 05.04.2005.

3. A perusal of the materials brought on records would reveal that the petitioner had remained absent from 05.04.2005, and the repeated notices issued to him in this connection for requiring him to rejoin the services were not responded to by the petitioner herein. The petitioner had also approached this Court on earlier occasion, instituting proceeding praying for release of his salaries from April' 2005, however, the said proceeding, both by the writ court as well as by the appellate court were so disposed of requiring that the same would be so considered in terms of the outcome of the

Departmental Proceeding contemplated against the petitioner.

4. The Departmental proceeding against the petitioner was so instituted on 28.01.2011. However, in the present proceeding, the Memorandum of Charge has not been brought on record and accordingly, this Court is handicapped from understanding the nature of charges that was levelled against the petitioner herein. The only material now available before this Court in the present proceeding to consider the grievance of the petitioner is the order of the disciplinary authority dated 19.02.2014.

5. Although, the learned counsel for the petitioner has submitted that the petitioner was not permitted to join his services although he had submitted application in this direction, the stand as reflected in the affidavit filed by the respondent authorities in the matter, however, presents a contrary picture.

6. A perusal of the Order dated 19.02.2014, brings to the forefront the fact that there were as many as 4(four) charges framed against the petitioner in the Memorandum of Charge dated 28.01.2011. The charges so framed pertains to the unauthorised absence of the petitioner from duties. The Article of Charge No.4, levels an allegation against the petitioner that in pursuance to the directions passed by this Court vide Order dated 12.01.2009, in Writ Appeal

No. 01/2008, although the petitioner had submitted a joining report before the jurisdictional Executive Engineer on 15.01.2009, he had thereafter, not reported for duties despite reminders and warning letters.

7. The conduct of the petitioner as evident from the only material before this Court that is the Order dated 19.02.2014, disentitles him from being granted any relief in the matter by this Court in exercise of its extra ordinary jurisdiction under the provision of Article 226 of the Constitution of India.

8. In view of the above position, the writ petition is held to be devoid of any merit. Accordingly, the writ petition stands dismissed. However, there would be no order as to costs.

JUDGE

Comparing Assistant