

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.06.2016

CORAM:

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

WP.No.7031 of 2007

V.Devarajan

Petitioner

Vs

The Deputy Director of Public Health and
Preventive Medicine, Salem 636001

Respondent

Prayer:- This Writ Petition came to be filed under Article 226 of the Constitution of India, by transfer of OA.No.5514 of 2002 from the file of the Tamil Nadu Administrative Tribunal, to issue a Writ of Certiorari to call for the records of the Respondent in Proc.No.14598/92/E3, dated 9.8.2002 and to quash the same.

For Petitioner : Mr.Karthick Rajan

For Respondent : Mr.A.Kumar, SGP

ORDER

In this Writ Petition, the Petitioner seeks to quash the impugned order of the Respondent dated 9.8.2002, thereby dismissing the Petitioner from service.

2. This court heard the learned counsel on either side and considered their submissions carefully and also the materials placed on record.

3. It is the case of Petitioner that he joined in service as Vaccinator in the year 1968 and he was absent for duty due to mental depression from 1975 to 1993. On his representation, he was permitted to join duty in the year 1995. However, in the year 1997, he was charge sheeted under Rule 17 (b) of the Tamil Nadu Civil Services (Disciplinary and Appeal) Rules, 1955 and ultimately, by the impugned order, he was dismissed from service for violation of Rule 10(3) of the Fundamental Rules. Contending that framing of the charges after

a period of 25 years is unreasonable, which caused prejudice to the Petitioner, this Writ Petition has been filed with the prayer as stated above.

4. On a careful scrutiny of the materials on record and on considering the submissions of the learned counsel on either side, it is seen that it is case of unauthorized absence for duty for 25 years. However, he was allowed to rejoin the duty and after initiating disciplinary proceedings under the relevant provisions and after following the due process of law, he was rightly dismissed from service. Further, I do not find any reason much less a valid reason to interfere with the well reasoned impugned order. Therefore, the prayer as sought for in this Writ Petition cannot be granted. Accordingly, this Writ Petition is dismissed. No costs.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

Srcm

To:

The Deputy Director of Public Health and
Preventive Medicine,
Salem 636001

+1 cc to the Government Pleader sr.30917

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