

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2016

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.No. 23455 of 2016
and W.M.P.Nos.20127 & 20128 of 2016

V.Jayalakshmi

.. Petitioner

Vs.

1.State of Tamil Nadu
represented by its Principal Secretary to Government
Municipal Administration and Water Supply Department
Secretariat, Chennai-9.

2.The Commissioner
Chennai Corporation
District Family Welfare Department
Chennai District.

3.The President of Appointing Committee
Chennai Corporation
Chennai District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Certiorarified Mandamus, to call for the records from the 2nd respondent in his proceedings (i) Ma.ku.na.(m).m.ku.Na.No. F15/3542/02, dated 16.12.2009 (ii) No. Ma.ku.na.(m).m.ku.Na.No. F15/3542/02, dated 07.06.2010 and the said order also confirmed by the 1st respondent in his proceedings in Government Orders (P) No. 598 of the 1st respondent, dated 08.12.2010, quash the same and issue consequential directions to the respondents to reinstate the petitioner in service with continuity of service along with all other benefits and pass such further orders as this Court deems fit.

For Petitioner :Mr.K.S.Karthik Raja

O R D E R

This Writ Petition, which is a frivolous one, has been filed by the petitioner, challenging the order of removal from

service passed by the 2nd respondent on 16.12.2009 and consequential orders.

2. The petitioner was appointed as Multipurpose Health Worker, on 24.08.1993. The petitioner has been absenting from work from 2002 to 2009. Therefore, she was removed from service by the 2nd respondent way back in the year 2009, by the impugned order dated 16.12.2009. As against that order, she preferred an appeal, on 20.04.2010. The said appeal was dismissed by the 2nd respondent, on 07.06.2010. As against that order, she preferred a revision petition before the 1st respondent, on 14.07.2010 and that was ultimately disposed of by rejecting her claim, on 08.12.2010. Thereafter, she made further representations to the 2nd respondent, on 07.09.2011 and 27.09.2012. Now, after the lapse of four years, she has come forward with the present Writ Petition challenging the order of removal from service alleging that the charge memo was not supplied to her.

3. I have heard the learned counsel for the petitioner.

4. In my considered opinion, this is a fit case, which deserves to be dismissed in limine, at the admission stage itself. The petitioner has been absenting from work from 19.07.2002. Hence, she was issued with a office memorandum, dated 15.11.2002, calling for explanation. But, she has failed to give an explanation. Pursuant to which, the petitioner was issued with a charge memo, on 09.12.2002, for which also, she has not given her reply. After conducting an enquiry, the petitioner was removed from service by the 2nd respondent way back in the year 2009, by the impugned order dated 16.12.2009. As against that order, she preferred an appeal, on 20.04.2010. The said appeal was dismissed by the 2nd respondent, on 07.06.2010. As against that order, she preferred a revision petition before the 1st respondent, on 14.07.2010 and that was ultimately disposed of by rejecting her claim, on 08.12.2010. The petitioner has exhausted her right upto the year 2010. Thereafter, she has kept silent for a year. Thereafter, she made further representations to the 2nd respondent, on 07.09.2011 and 27.09.2012. Now, after the lapse of four years, she has come forward with the present Writ Petition challenging the order of removal from service, dated 16.12.2009 and other consequential orders. Such a lapse cannot be accepted. Both on the ground of laches and on merits, this Writ Petition does not stand to scrutiny. Hence, this Writ Petition stands dismissed.

Consequently, connected Miscellaneous Petitions are closed.
There shall be no order as to costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Principal Secretary to Government
Municipal Administration and Water Supply Department
Secretariat, Chennai-9.
- 2.The Commissioner
Chennai Corporation
District Family Welfare Department
Chennai District.
- 3.The President of Appointing Committee
Chennai Corporation
Chennai District.

1 cc to Mr.K.S.Karthik Raja, Advocate, sr.38305
1 cc to Government Pleader, sr.38530

W.P.No. 23455 of 2016

sr co
kra 25.07.2016

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