

HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.11844 OF 2006

ORDER:

The petitioner prays for the following relief:

“..to issue a writ, more particularly Mandamus, declaring the action of the respondent in issuing the communication bearing No. APHMEL/MD/06/7076/7100 dated 11-5-2006, as arbitrary, illegal and untenable and consequently direct the respondent to accept the resignation letter of the petitioner dated. 2-5-2006 and relieve the petitioner in accordance with the rules besides ordering the respondent to pay a suitable compensation to the petitioner for the mental agony and social embarrassment suffered by the petitioner on account of the unceremonious dismissal order..”

Heard the learned counsel appearing for the parties and I have perused the record available on record.

The petitioner after availing special leave for five years in two spells did not join the duty in time which, according to respondent, is misconduct under Clause No.16.7 of APHMEL Conduct, Discipline and Appeal Rules.

This Court having regard to the facts and circumstances of the case is of the view that before passing impugned order the petitioner was given opportunity to explain his case and/or to join duty, but he did not turn up. The respondent by following the procedure stipulated by law has passed the order impugned in the writ petition and I do not find any irregularity or illegality in it. The writ petition fails and is dismissed. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

S.V.BHATT, J

Date:18.08.2016

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