

**THE HON'BLE SRI JUSTICE A.V. SESA SAI**

**WRIT PETITION No.20849 of 2015**

**ORDER:**

This writ petition is filed under Article 226 of the Constitution of India, for the following relief:

“To issue writ, order or directions more in the nature of Writ of Mandamus declaring the proceedings of the 3rd respondents No.E2/1(31)2014-TRR, dated 19-11-2014 in terminating the services of the petitioner by referring subsequent absented period is illegal, arbitrary and violation of principles of natural justice and Judgments of this Hon'ble Court and set aside the same including the proceedings of the 2nd respondent dated; 30-5-2015 with all consequential benefits including reinstatement with continuity of service with all consequential benefits including back wages as otherwise the petitioner may suffer irreparable loss and hardship.”

2. When the matter is taken up, the learned counsel for the petitioner and the learned Standing Counsel for Respondent Corporation brought to the notice of the Court that in identical set of circumstances, this Court in Writ Appeal No. 769 of 2005, passed an order on 05.04.2005 and the copy of the same is also placed on record. The operative portion of the order reads as under:

“In this background of the matter, We have no hesitation to observe that in the absence of a specific charge for the alleged unauthorized absence for the period from 16.10.2004 to 19.10.2004, passing of the proceedings impugned by taking into consideration the unauthorized absence for the said period without any charge or enquiry, amounts to depriving the opportunity of the delinquent to defend his case and it also amounts to arbitrariness. In view of the above circumstances, we do not agree with the findings of the learned Single Judge that the proceedings passed by the 2nd respondent removing the petitioner for the absenteeism for the period from 06.8.2004 to 10.08.2004 as well as 16.10.2004 to 19.10.2004 is not in violation of the principles of natural justice and that the said period of absence from 16.10.1994 to 19.10.2004 might have been mentioned incidentally, and therefore, the order impugned herein, is liable to be set aside.”

Following the order passed in the said Writ Appeal, this writ petition is allowed setting aside impugned orders passed by respondents 2 and 3, but in the facts and circumstances of the case, the petitioner is not entitled to consequential benefits including back wages and benefits. As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

A.V. SETHA SAI, J

Date: 27.04.2016  
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Dated 27<sup>th</sup> April 2016

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