

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 28.03.2017
CORAM:
THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN
W.P. No.7356 of 2017

T.Tanaradjou

...Petitioner

Vs

1. Union of India

Rep by its Secretary to Government
Ministry of Home Affairs
North Block, New Delhi 110 001.

2.The Secretary to Government (Education)
Government of Puducherry
Puducherry 605 001.

3.The Director of School Education
Puducherry 605 005.

4.The Chief Educational Officer
Puducherry 605 005.

5.The Deputy Director of School Education (Women)
Puducherry 605 005.

6.The Registrar
The Central Administrative Tribunal
High Court Buildings, Chennai 600 104.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of certiorari, calling for the records relating to O.A.No.310/01272/2013 dated 14.09.2016 passed by the 6th respondent and quash the same and allow the OA.

For Petitioner : Mr.R.Venkatesulu
For R1 : Mr.Venkataswamy Babu
SPCGOI
For R2 and R3 : Mr.R.Syed Mustafa
Spl.G.P.

O R D E R

K.K.SASIDHARAN, J.

This writ petition is directed against the order dated 14 September 2016 in O.A.310/01272/2013 dismissing the Original Application filed by the petitioner, challenging the punishment imposed by the disciplinary authority and confirmed by the appellate and revisional authorities.

2. The Department of Education initiated disciplinary proceedings against the petitioner on account of his unauthorised absence. The petitioner was suspended by order dated 25 June 1993. Thereafter, charge memo was given to him on 02 August 1993 alleging that he was on unauthorised absence from 18 June 1993 to 25 June 1993. The explanation submitted by the petitioner was considered by the Enquiry Officer appointed by the Disciplinary Authority. The Enquiry Officer reported that the charges were proved. The Disciplinary Authority imposed the punishment of withholding two increments for a period of two years with cumulative effect. The order was unsuccessfully challenged before the appellate and revisional authority. The petitioner thereafter, filed Original Application before the Tribunal. The Tribunal by way of a detailed order dismissed the Original Application. Feeling aggrieved, the petitioner is before this Court.

3. The learned counsel for the petitioner contended that the petitioner was prevented by the Headmaster of the Institution and that was the reason for his absence. According to the learned counsel, the petitioner preferred a complaint on 18 June 1993 to the Head of the Department against the Headmaster alleging that he was not permitted to discharge his duties. The learned counsel contended that in view of the situation beyond his control, the petitioner could not attend duty for the period in question.

4. The factual matrix indicates that the petitioner was absent for the period from 18 June 1993 to 25 June 1993. Though the petitioner relied on a complaint dated 18 June 1993, there is no evidence produced by him to show that such a complaint was preferred to the Head of the Department. Even before the Tribunal, the petitioner took up a contention that he made two complaints dated 18 June 1993 marked as annexure A1 and A2. The Tribunal found that evidence was not produced to prove the submission of complaints.

5. The petitioner wanted to justify his unauthorised absence on the ground that he was prevented by the Headmaster. There is absolutely no evidence produced by the petitioner even before us to substantiate his contention. This aspect was considered by the Tribunal and the Original Application was rightly dismissed. We do not find any illegality in the said order warranting interference by exercising the power of judicial review.

In the upshot, we dismiss the writ petition. No costs.

-s/d-

Assistant Registrar(csv)

True Copy

Sub-Assistant Registrar

To

1.The Secretary to Government
Union of India
Ministry of Home Affairs
North Block, New Delhi 110 001.

2.The Secretary to Government (Education)
Government of Puducherry
Puducherry 605 001.

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+1 cc to the Government Pleader puducherry sr 20105

+1 cc to M/s.Usharaman Advocate sr 19743

+1 cc to Mr.Venkataswamy Babu Advocate sr 19382

W.P. No.7356 of 2017

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