

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 23.3.2017

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH,
ACTING CHIEF JUSTICE
AND
THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.A.No.139 of 2014
and
M.P.No.1 of 2014

Tamil Nadu Pollution Control Board,
rep. by its Chairperson,
100, Anna Salai,
Chennai 600 032. Appellant

Versus

Dr.E.Karthikeyan

Respondent

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 11.7.2013 passed in W.P.No.42390 of 2002 on the file of this court.

WP.NO.42390/2002:Petition praying to issue a writ of certiorarified mandamus calling for the records relating to the order bearing reference Proc.No.CS/25261/2001 dated 30.5.2002 alongwith the Pro.No.PER/P2/1441/LAD-I/91 dated 28.8.1992 of the respondent Board and quash the same as being illegal arbitrary unconstitutional and consequently direct the respondents to reinstate the petitioner with backwages continuity of service and all other attendant benefits.

For appellant : Tmt.Rita Chandrasekar
For respondent : Mr.N.G.R.Prasad for
M/s.Row & Reddy

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, ACJ.)

Heard the learned counsel for the parties for some time.

2. It appears that with regard to unauthorized absence of the respondent herein, action is said to have been initiated by the appellant including departmental enquiry and an order has

been passed for removal of service. Consequently, the writ petition was filed. In the writ petition filed, after hearing the parties, the following order was passed :

"On considering the factual position of the case and arguments advanced by the learned counsel on either side and on perusing the impugned orders of the respondents and this Court's view listed above as (i) to (vii), this court holds that the writ petition has enough force to allow it. Therefore, this court directs the respondent-Board to reinstate the petitioner, with continuity of service and attendant benefits, without back wages, forthwith i.e., within 15 days from the date of receipt of this order."

3. In our view, the punishment imposed by the appellant is exorbitant since the absence of the respondent was not deliberate but due to ill health. Though it is submitted that unauthorized absence is only for ten days, but the fact remains that it was for 65 days. Hence, we are of the view that it can be modified to that of stoppage of two increments without cumulative effect. Accordingly, the writ appeal is allowed in part. The appellant shall reinstate the respondent within a period of three months from the date of receipt of a copy of this order. No costs. The connected miscellaneous petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

ssk.

To
The Chairperson
Tamil Nadu Pollution Control Board,
100 Anna Salai Chennai 600 032

+1 cc to M/s.Row and Reddy Advocate sr 18539
+1 cc to M/s.Rita Chandrasekar Advocate sr 18232

W.A.No.139 of 2014

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