



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.07.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P (MD) No.13813 of 2017

WEB COPY

D.Jayakrishnan

... Petitioner

-vs-

Dean,
Govt. Thoothukudi Medical College,
Thoothukudi.

... Respondent

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondent to consider the petitioner's representation dated 10.02.2017 for reinstatement in service within the time limit that may be stipulated by this Court.

For Petitioner

: Mr.Thalaimutharasu

For Respondent

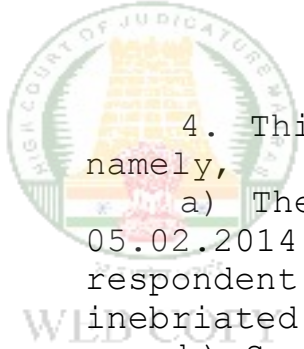
: Mr.Raja Karthikeyan,
Additional Government Pleader

ORDER

By consent of both sides, these writ petitions are taken up for final disposal.

2.The petitioner was appointed on contract basis in the basic service post by the Head of Microbiology Department on 15.07.2002 as Attender. While he was continuously working, on 05.02.2014, he went to attend his relatives function and at that time, he was forced to consume liquor along with his friends and thereafter as his leave was rejected, he attended the College. But he was restrained from attending the duty from 05.02.2014 to 13.02.2014 by proceedings of the third respondent in Na.Ka.No.4575/Ni.4/2010 dated 06.02.2014. In the meanwhile, he was sought for explanation for the said incident and therefore, the petitioner said to have tendered his apology letter on 07.02.2014 stating that he would not repeat the mistake. As he was not allowed to join duty, he made a request on 09.02.2014. Thereafter also, he was not allowed to join duty.

3. In view thereof, the petitioner has sent a representation through registered post on 10.02.2017 requesting for reinstatement in service. But the respondents have not considered the same. Therefore, he has come up with this writ petition.



4. This Court considered two aspects against the petitioner, namely,

a) The petitioner was restrained from attending the duty on 05.02.2014 to 13.02.2014 by the proceedings issued by the respondent dated 06.02.2014 on the ground that he was in an inebricated state on 05.02.2014;

b) Secondly, he was appointed as Contract Labourer by the Head of Microbiology as Attender and subsequently made as Dailywager.

5. Therefore, this Court is not inclined to show any sympathy or equity in favour of the petitioner. Accordingly, the writ petition fails and the same is dismissed. No costs.

Sd/-

Assistant Registrar(crl side)

/True copy/

Sub Assistant Registrar

To

Dean,
Govt. Thoothukudi Medical College,
Thoothukudi.

+1cc to M/S.G.THALAIMUTHARASU, Advocate SR.No.68039

+1cc to Special Government Pleader, SR.No.68642

Mrn/RR

MAS/KK/SAR1:21.08.2017:2P-4C

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