

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.25860 OF 2000

ORDER:

1. This Writ Petition is filed seeking to issue a writ of certiorari calling for the records relating to and connected with I.D. No. 609 of 1993 dated 15.06.1998 on the file of the 1st respondent, and consequently, to direct the 2nd respondent to reinstate the petitioner into service with all consequential benefits.

2. Heard Sri G. Vidyasagar, learned Counsel for the petitioner and Ms. G. Sudha, learned Counsel for the 2nd respondent.

3. It is the case of the petitioner that he was appointed as a trainee in the 2nd respondent's company and after completion of 6 months, his services were confirmed as Indoor-Outdoor Manual Type Writer Mechanic; while the petitioner was working as such, a charge memo was issued on 26.08.1991 alleging that he removed the printer without authorization of the superiors, which amounts to theft; that on the said allegations a regular enquiry was conducted; and the enquiry Officer held that the charge was proved; then, a show cause notice was issued on 25.05.1992 and a punishment of discharge from service was imposed vide orders dated 31.01.1993. Challenging the said punishment, the petitioner had filed ID. No. 609/1993 and the 1st respondent dismissed the said ID and passed the nil award on 15.06.1998. Questioning the same, the present Writ Petition is filed.

4. The learned Counsel for the petitioner submitted that the allegation made against the petitioner is invented to remove him from service and

that no police case was registered against the petitioner and that the enquiry was not conducted properly and that the 1st respondent failed to consider all the aspects raised in I.D. in a proper perspective, and therefore, the award is liable to be quashed.

5. The learned Counsel for the 2nd respondent contended that the 2nd respondent had initiated action for the proven misconduct of the petitioner in the enquiry, and discharged him from service after following the procedure and that the 1st respondent had rightly dismissed the I.D. No.609/1993 and therefore, the order of the 1st respondent does not warrant any interference by this Court.

6. I have considered the rival submissions made by the parties. The 1st respondent had elaborately considered the contentions raised by the petitioner and the 1st respondent had not noticed any procedural irregularities in imposing punishment of discharge from service. I do not see any grounds to interfere with the order passed by the 1st respondent. The Writ Petition is devoid of merits and the same is liable to be dismissed.

7. Accordingly, the Writ Petition is dismissed. No costs. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

(ABHINAND KUMAR SHAVILI, J)

27th November, 2017
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THE HON'BLE Mr. ABHINAND KUMAR SHAVILI



27th November, 2017

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