

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.22026 OF 2000

ORDER:

1. This writ petition is filed by the petitioner seeking to issue a writ of Certiorari calling for the records relating to the issuance of the impugned proceedings bearing No.13805/B7/94, dated 10.8.2000 by the respondent, and to quash the same.

2. Heard Sri S. Satyam Reddy learned Counsel for the petitioner and Sri A.K. Jaya Prakash Rao, learned Counsel for the respondent.

3. The case of the petitioner in brief is as follows:

He was appointed as Junior Assistant-cum-Telephone Operator on 18.2.1982 and in the year 1995, he obtained leave and thereafter, due to illness, he could not join duty and therefore, he requested for extension of leave and that he sent the leave application along with medical certificate. But the leave was neither sanctioned nor rejected. The respondent proceeded to issue a charge sheet for his absence from duty unauthorizedly from 17.4.1995. A departmental enquiry was conducted and the enquiry officer held that the charges against the petitioner are proved. The respondent after following due procedure dismissed the petitioner from service. Hence, the present writ petition is filed.

4. Learned Counsel for the petitioner submitted that the charge leveled against the petitioner is not a grave one warranting punishment of dismissal, and that the punishment is very disproportionate to the misconduct allegedly committed by the petitioner and that the respondent issued the impugned proceedings in a mechanical way without considering the applications sent by the petitioner for extension of leave and therefore, the impugned proceedings may be set aside.

5. Learned Counsel for the respondent submitted that the leave applications said to have been sent to the respondent do not indicate the period of leave required, and that no valid reasons were mentioned in the applications, and further, the reasons assigned in the applications do not warrant staying away from duty, and that after issuance of memo dated 23.3.1995, he again absconded from duty from 17.4.1995 to 1.5.1999 and that the petitioner had been absconding from duty from 27.5.1993 and therefore, the proceedings issued by the respondent do not warrant any interference.

6. I have examined the rival submissions made by the parties. The material on record goes to show that the petitioner absconded from duty for a long period i.e., from 17.4.1995 to 1.5.1999, that too after issuance of charge memo for his negligence in attending to his official duties. After conducting a detailed enquiry, the respondent had come to a conclusion that the petitioner is guilty of the misconduct, and had dismissed the petitioner for the proven misconduct in the disciplinary enquiry. The respondent while imposing punishment had complied with all the requirements of law. Therefore, no irregularities can be attributed to the respondent for imposing punishment of dismissal on the petitioner. I do not see any reasons to interfere with the impugned proceedings dated 10.8.2000 issued by the 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)

15th December, 2017
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THE HON'BLE Mr. ABHINAND KUMAR SHAVILI



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