

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-12-2018

CORAM

THE HON'BLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.10119 of 2005

And

W.P.M.P.No.11001 of 2005

And

W.P.M.P.No.569 of 2011

E.Dandapani ...Petitioner

Vs

1.The Corporation of Chennai,
Represented by its Commissioner,
Ripon Buildings,
Chennai.

2.The Deputy Commissioner (Health),
Corporation of Chennai,
Ripon Building,
Chennai.

3.The Standing Committee,
Corporation of Chennai,
Ripon Building,
Chennai.

4.The Assistant Commissioner,
Zone VI Corporation of Chennai,
Chennai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records of the second respondent ending with impugned orders dated 26.4.2004 in Ma.A.6.Rc.No.A4/5088/2003 and the fourth respondent dated 7.3.2005 in Ma.A.6.Rc.No.A4/5088/2003 and quash the same.

For Petitioner : Mr.N.A.Nissar Ahmed

For Respondents-1,2&4 : Mr.V.C.Selvasekaran

For Respondent-3 : Dismissed vide Court Order dated 24.6.2011.

O R D E R

The order of punishment issued by the Disciplinary Authority/second respondent in proceedings dated 26.4.2004 and the appellate order passed by the fourth respondent in proceedings dated 7.3.2005, are under challenge in the present writ petition.

2. The writ petitioner was employed as Malaria Desilting Worker in the respondent-Corporation. On account of certain allegations, the writ petitioner was placed under suspension.

3. The allegation against the writ petitioner was that he was unauthorisedly absented himself and further left the job without getting prior permission from the Higher Officials. The respondents issued charge memorandum to the writ petitioner. The writ petitioner submitted the explanations, denying the charges. An enquiry was conducted and the Enquiry Officer made a finding that the delinquent official/writ petitioner accepted the charges.

4. The findings of the Enquiry Officer state that the writ petitioner had admitted the charges. However, the writ petitioner pleaded that he was not well and unable to attend the works. Based on the admission made by the writ petitioner, the Enquiry officer submitted his report. Accepting the enquiry report, the Disciplinary Authority imposed punishment of stoppage of increment for three months without cumulative effect, which is minor in nature. The writ petitioner preferred an appeal and the said appeal was also rejected.

5. The learned counsel for the respondents 1, 2 and 4 states that the minor punishment was imposed on the writ petitioner in respect of the charges accepted by the writ petitioner. Thus, the present writ petition is liable to be rejected.

6. This Court is of an opinion that the allegation against the writ petitioner is unauthorised absence and negligence. This apart, the writ petitioner left the job without obtaining prior permission from the Competent Authorities.

7. Considering the nature of the allegations, the Disciplinary Authority imposed minor penalty of stoppage of increment for three months without cumulative effect. Undoubtedly, the allegations were proved against the writ petitioner, as the writ petitioner himself has accepted the allegations before the Enquiry Officer.

8. This being the factum of the case, this Court is unable to accept the ground that the punishment is disproportionate with the gravity of the allegations set out in the charge memorandum. Under these circumstances, the writ petitioner has not made out any acceptable legal ground for the purpose of considering the relief, as such, sought for in the present writ petition.

9. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

Svn

To

- 1.The Commissioner,
Corporation of Chennai,
Ripon Buildings,
Chennai.
- 2.The Deputy Commissioner (Health),
Corporation of Chennai,
Ripon Building,
Chennai.
- 3.The Standing Committee,
Corporation of Chennai,
Ripon Building,
Chennai.
- 4.The Assistant Commissioner,
Zone VI Corporation of Chennai,
Chennai.

+1 cc to Mr.N.A.Nissar Ahmed, Advocate, S.R.No.84342

RV(CO)
SSM(11/12/2018)

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