

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
DATED : 15.03.2018  
CORAM:  
THE HONOURABLE MR. JUSTICE T.RAJA  
W.P.No.5865 of 2018

G.Sridharan

... Petitioner

Vs

- 1.State of Tamilnadu rep. by its  
Principal Secretary to Government,  
Finance Department,  
Fort St. George, Secretariat, Chennai-9.
2. Director,  
Rural Development and Panchayat Raj,  
Panagal Building, Saidapet, Chennai-15.
3. District Collector,  
Sivagangai District,  
Sivagangai.
4. The Commissioner,  
Small Savings Department,  
(The then Tamil Nadu Raffles Department),  
Annasalai, Chennai-2.
- 5.The Personal Assistant (Development),  
O/o.The District Collector,  
Sivagangai District.

.... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to to issue a Writ of Mandamus, directing the 2<sup>nd</sup> respondent to dispose of the petitioner's Statutory Appeal dated 23.9.2017 and thereby direct the 2<sup>nd</sup> respondent to reinstate the petitioner into service since 13.6.2014 and pay back all service benefits to him within a stipulated period.

For Petitioner : Mr.A.Rajesh Kanna

For Respondents : Mr.R.S.Selvam, Govt. Advocate

O R D E R

This Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the 2<sup>nd</sup> respondent to dispose of the petitioner's Statutory Appeal dated 23.9.2017, which was filed questioning the correctness of the order dated 13.6.2017 passed by the 3<sup>rd</sup> respondent, namely, the District Collector, Sivagangai and thereby direct the 2<sup>nd</sup> respondent to reinstate the petitioner into service since 13.6.2014 and pay back all service benefits to him within a stipulated period.

2. The case of the petitioner is that while he was working as Office Assistant in the Office of the Assistant Executive Engineer (Rural Development), Devakottai, Sivagangai District, he availed Unearned Leave on Medical Certificate from 14.6.2014 and after recovery, when he went to join duty on 18.8.2014 with medical records before the Assistant Executive Engineer (Rural Development), Devakottai, Sivagangai District, he was not allowed to join duty. While so, the 5<sup>th</sup> respondent by his Proceedings dated 4.3.2015 issued a Charge Memo under Rule 17(b) of the Tamil Nadu Subordinate Service (Discipline and Appeal) Rules and after appointing an Enquiry Officer by Proceedings dated 22.10.2015 by the 3<sup>rd</sup> respondent, the 3<sup>rd</sup> respondent has passed an order of compulsory retirement against the petitioner. Now the grievance of the petitioner is that the Statutory Appeal dated 23.9.2017 preferred against the punishment of compulsory retirement is pending before the 2<sup>nd</sup> respondent. Hence the Writ Petition.

3. Heard Mr.R.S.Selvam, learned Government Advocate who takes notice for the respondents.

4. Considering the facts and circumstances of the case, this Court finds no reason to entertain the writ petition. The reason is that a perusal of the order of the 3<sup>rd</sup> respondent reveals that the petitioner has unauthorisely absented himself from duty from 13.6.2014 till 17.11.2016 and he has not submitted his reply for the Charge Memo and not even co-operated with the Enquiry. Further, questioning the correctness of the Charge Memo dated 4.3.2015 issued by the 5<sup>th</sup> respondent, the petitioner has filed W.P.5324/2016 before this Court and the same was dismissed on 28.8.2017 on the ground that the Enquiry Officer has already been appointed. Therefore, I find no merit in the Writ Petition.

5. In the result, the Writ Petition fails and the same is accordingly dismissed. No costs.

Sd/-  
Assistant Registrar(CS IX)  
//True Copy//  
Sub Assistant Registrar

tsi

To

1. Principal Secretary to Government,  
State of Tamilnadu,  
Finance Department,  
Fort St. George, Secretariat, Chennai-9.
2. Director,  
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Panagal Building, Saidapet, Chennai-15.
3. District Collector,  
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Sivagangai.
4. The Commissioner,  
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(The then Tamil Nadu Raffles Department),  
Annasalai, Chennai-2.
5. The Personal Assistant (Development),  
O/o. The District Collector,  
Sivagangai District.

+1 cc to Govt Pleader sr 20089

+1 cc cc to M/s.A.Rajesh Kanna Advocate sr 19612

W.P.No.5865 of 2018

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