

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 27.07.2018
CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.21252 of 2007

T.A.Bhuvaneswari

... Petitioner

Vs.

The District Collector,
Namakkal District,
Namakkal.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to calling for the records of the respondent relating to the order in Proceedings Na.Ka.No.47195/2006/A2 dated 20.11.2006, quash the same and issue consequential directions to the respondent to include the name of the Petitioner in the ensuing panel for promotion as Tahsildar, if she is otherwise eligible, and promote her as such and pass such further or other orders as this Court.

For Petitioner : Mr.M.Ravi

For Respondents : Mr.K.Ravi Kumar

Additional Government Pleader

ORDER

The present writ petition has been filed by the petitioner seeking to quash the impugned proceedings issued by the respondent in Na.Ka.No.47195/2006/A2, dated 20.11.2006, and consequentially to direct the the respondent to include the name of the Petitioner in the ensuing panel for promotion to the post of Tahsildar.

2.The case of the petitioner is that while she was serving as Zonal Deputy Tahsildar, Taluk Office, Paramathivelur, she had applied for casual leave for one day on 21.11.2005, as she fell down on the mid-night of 20.11.2005 and was suffering from severe leg pain and unable to walk. Since she did not recover from her illness, she was medically advised to be on rest for one month. Accordingly, she obtained medical certificate from the Medical Officer, Government Primary Health Centre, Chittalandur, and applied for 30 days medical leave from 21.11.2005 to 20.12.2005. Latter on, since the pain and swelling in her legs aggravated, she had extended her medical

leave subsequently upto 02.05.2006 and she joined duty only on 03.05.2006.

3. Thereafter, on 26.07.2006, the petitioner was issued with a show cause memo under Rule 17-(a) of the Tamil Nadu Civil Services (D & A) Rules, alleging that she had gone on Medical Leave with a view to avoid Flood Relief Duty on 23.11.2005 & 24.11.2005. The petitioner had submitted an explanation on 25.08.2006 to the impugned memo, narrating the unforeseen situation under which she had proceed on the Medical Leave from 21.11.2005. However, not satisfying with the explanation given by the petitioner, the respondent has imposed the punishment of stoppage of increment for one year without cumulative effect, under the impugned order. Challenging the same, the present writ petition has been filed by the petitioner.

4. Heard both sides and perused the materials available on record.

5. It is submitted by the learned counsel for the petitioner that the petitioner is the senior most Deputy Tashildar in the District and she is on the verge promotion to the next post of Tashildar. According to the learned counsel for the petitioner, only to deprive of her promotion, the punishment was imposed on the petitioner on the false ground. Thus, the learned counsel for the petitioner sought for quashing the impugned order.

6. It is seen from a perusal of the records, the present writ petition was filed by the petitioner to quash the impugned punishment order, in the year 2007. Now, twelve years have lapsed. Further, at the time of admitting the writ petition in the year 2007, no interim stay was granted by this Court. Under such circumstances, this Court does not find any merit in the writ petition. Further, the respondent has also filed a counter affidavit, stating that initially the petitioner had applied for casual leave for one day on 21.11.2005. In order to handle flood situation works, the petitioner was directed to attend the duty on 23.11.2005 and 24.11.2005. However, on 23.11.2005 the petitioner did not attend the duty. She had sent the leave application only on 29.11.2005, in order to cover up his lapses. The petitioner deliberately absented herself from attending the duty, in order to avoid the flood relief camp works.

7. Under the impugned order, the petitioner was imposed with the minor punishment of stoppage of increment for one year without cumulative effect. Considering the passage of long time, now nothing would survive in the writ petition. Hence, the writ petition is liable to be dismissed.

Accordingly, the writ petition is dismissed. No Costs.

gmd

Sd/-
Assistant Registrar(CS VII)

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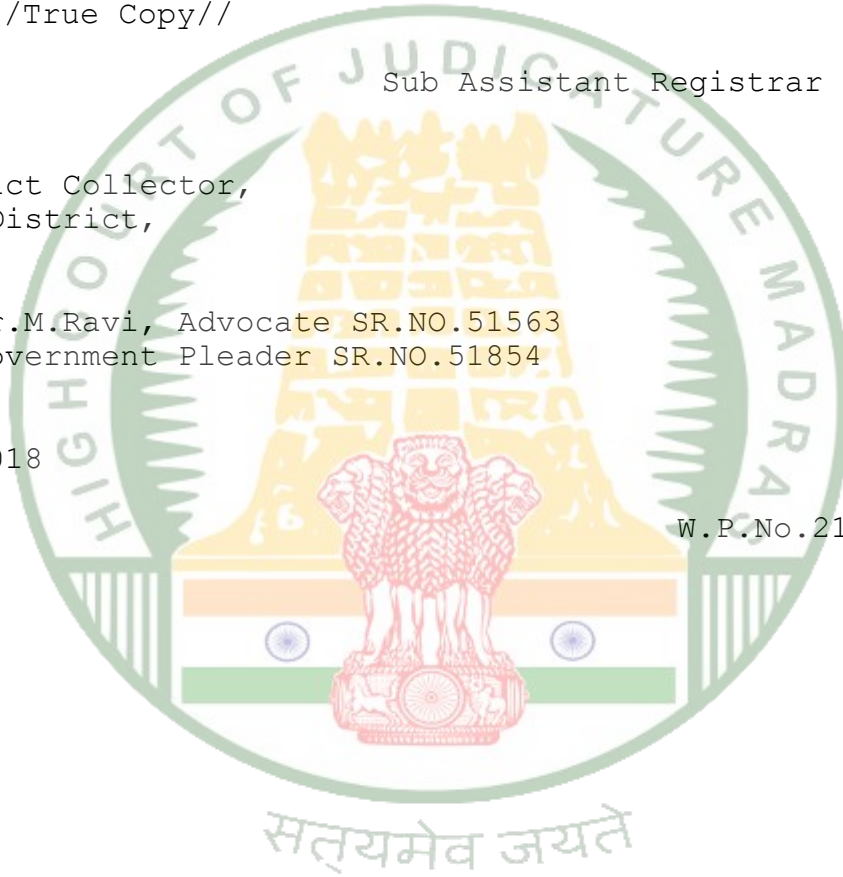
To Sub Assistant Registrar

The District Collector,
Namakkal District,
Namakkal.

+1cc to Mr.M.Ravi, Advocate SR.NO.51563
+1cc to Government Pleader SR.NO.51854

MR (CO)
sm:12.9.2018

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