



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.11.2018

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P. (MD) No.1075 of 2015

and

M.P. (MD) No.1 of 2015

Chellapandian

... Petitioner

Vs.

1.The District Collector,
Pudukottai District,
Pudukottai.

2.The Executive Officer,
Illuppur Town Panchayat,
Illupur Taluk,
Pudukottai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the order passed by the first respondent in Na.Ka.4097/2006/Pay.2, dated 15.11.2014. and to quash the same as illegal and arbitrary and consequently, to direct the first respondent to disburse the salary and all other monetary benefits payable to the petitioner from 25.03.1985 with interest.

For Petitioner : Mr.K.Baalasundharam
For Respondents : Mr.J.Gunaseelan Muthiah
Additional Government Pleader

ORDER

Heard the learned Counsel for the petitioner and the learned Additional Government Pleader for the respondents.

2.The case of the petitioner is that he was appointed as Bill Collector in the second respondent Panchayat in 15.11.1980. Due to ill health, he availed medical leave on 01.01.1981 to 27.03.1981. Thereafter, he availed leave under unearned leave category from 05.05.1981 to 30.06.1981. Thereafter, he could not join the duty and he was terminated from service by the second respondent, who is not competent to terminate him from service. Therefore, he has filed writ petition before this Court. In that writ petition, this Court directed the respondents to consider and pass orders on merits on the representation of the petitioner herein. The impugned order has been passed by the first respondent on 15.11.2014, confirming the termination of the petitioner herein. Hence, the writ petition.



3. In the counter affidavit filed by the second respondent, it is stated that the petitioner herein, who joined duty as Bill Collector on 15.11.1980 did not turn up for duty from 01.07.1981. Initially, he availed medical leave and thereafter availed earned leave, which expired on 04.05.1981. Even after laps of five years, there is no response from the petitioner herein. Hence, the departmental proceedings for unauthorised absence was initiated and he was removed from service on 13.06.1987. The petitioner herein preferred statutory appeal before the first respondent and the same was dismissed on 16.05.1990. Thereafter, pursuant to the direction of this Court, the representation of the petitioner herein was considered and the prolonged unauthorised absence was not properly justified by the petitioner herein. Hence he was removed from service.

4. Considering the facts of the case, this Court finds no error in the impugned proceedings of the first respondent, dated 15.11.2014. The writ petitioner herein was appointed as Bill Collector and served in the second respondent hardly for 3 ½ months and abstaining from reporting duty for nearly 5 years. In the departmental proceedings initiated against the petitioner herein, he could not justify his unauthorised absence. Authorities have considered the prolonged unauthorised absence and the reasons stated by the petitioner, has removed the petitioner herein from service.

5. Having exhausted the statutory remedy, he has preferred the writ petition after lapse of seven years. Pursuant to the direction passed by this Court in the writ petition, the case of the petitioner has been reconsidered by the first respondent and confirmed the order of the dismissal from service. This Court finds no merits either on facts or sympathy reasons. Hence, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar(CS-II)

To

1. The District Collector, Pudukottai District, Pudukottai.

2. The Executive Officer, Illuppur Town Panchayat, Illuppur Taluk, Pudukottai District.

- 1 CC TO Mr.K.Baalasundharam , ADVOCATE IN SR No.96887.
- +1 cc to Special Government Pleader, SR.No.97080.

Rmk

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