

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.22229 of 2002

ORDER:

This Writ Petition is filed seeking a writ of *mandamus* to set aside the proceedings of the 2nd respondent, dated 12.02.2001, as confirmed by the 1st respondent vide orders, dated 13.08.2001, whereunder the petitioner was imposed punishment of compulsory retirement, as arbitrary and illegal and sought consequential direction to reinstate the petitioner into service.

2. Heard Sri K.R.Srinivas, learned counsel for the petitioner and learned Standing Counsel for the respondents.

3. It has been contended by the petitioner that he was initially appointed as Clerk and while he was discharging duties as such, during January, 2000, the respondents had issued a charge memo for certain alleged irregularities and after conducting regular departmental enquiry, a punishment of compulsory retirement was imposed on the petitioner.

4. Learned counsel appearing for the petitioner contended that the respondents have imposed a punishment of compulsory retirement without following the rules and without giving any opportunity to the petitioner; that while imposing major punishment of compulsory retirement, the respondents have also not considered the proportionality theory and imposed punishment disproportionate to the charges and therefore, he prays to set aside the impugned order.

5. Learned Standing Counsel for the respondents contended that the respondents after giving due opportunity to the petitioner, had imposed punishment of compulsory retirement for proven misconduct of the petitioner and no illegality or irregularity has been pointed in the impugned order. Therefore, there is no merit in the writ petition and the same is liable to be dismissed.

6. This Court, having considered the rival submissions made by the parties, is of the considered view that the respondents have not violated the procedure and the respondents have imposed punishment of compulsory retirement of the petitioner only for proven misconduct in the enquiry and there is no illegality or irregularity has been pointed by the petitioner in the impugned order so as to interfere with the same.

7. Accordingly, the Writ Petition is dismissed. Miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

ABHINAND KUMAR SHAVILI, J

OCTOBER 25, 2018

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Date:25.10.2018

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