

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.22952 OF 2002

ORDER:

1. This writ petition is filed seeking to quash the order passed by the 2nd respondent vide proceedings dated 12.9.2001, which was confirmed by the 1st respondent vide proceedings dated 12.12.2001, by holding it as arbitrary and illegal, and consequently to direct the respondents to reinstate the petitioner into service with all consequential benefits.

2. Heard Sri Rupendra Mahendra, learned Counsel for the petitioner and Sri Singam Srinivasa Rao, learned Counsel for the respondents.

3. It has been contended by the petitioner that his father worked with the respondent-organization, and while he was working, he expired on 7.1.2000, and thereafter, the petitioner submitted application seeking compassionate appointment and the respondents were pleased to appoint him on compassionate grounds as sweeper. Further, it has been contended by the petitioner that because of the death of his father, there were lot of disturbances in his life, and owing to the domestic and personal problems, he could not attend duty, and that the respondents construed the said absence as unauthorized absence and issued charge memo to him. It has

been further contended by the petitioner that after conducting enquiry, the respondents passed removal order on 12.9.2001, and the petitioner preferred appeal and the appellate authority rejected the appeal vide proceedings dated 12.12.2001. Challenging the same, the present writ petition is filed.

4. The learned Counsel for the petitioner contended that no opportunity was given to the petitioner in the enquiry and in spite of submitting clear explanation to the charge memo, the respondents have mechanically imposed punishment of removal and that the punishment of removal is shockingly disproportionate to the charge levelled against the petitioner, and therefore, the removal order is liable to be set aside and the petitioner may be directed to be reinstated into service.

5. The learned Counsel for the respondents contended that every opportunity was given to the petitioner in the enquiry and only for the proven misconduct in the enquiry, the disciplinary authority imposed punishment of removal on the petitioner and later on, it was confirmed by the appellate authority and that there are no merits in this writ petition.

6. Having considered the rival submissions made by the parties, this Court is of the view that the respondents have rightly imposed the punishment of removal on the petitioner

after following the procedure as contemplated under the Rules.

There are no merits in the writ petition.

7. Accordingly, the Writ Petition is dismissed. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

Dated:5th November, 2018.
Nn.



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Nn.