

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2019

CORAM:

THE HONOURABLE MR. JUSTICE M.M. SUNDRESH
AND
THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

W.A. No. 289 of 2013

V. Thangaraj

... Appellant

Vs.

1. The Vice-Chancellor
Tamil Nadu Agricultural University,
Coimbatore.
2. The Registrar
Tamil Nadu Agricultural University,
Coimbatore 641 003.
3. The Chairman
Enquiry Committee,
Director (Planning and Monitoring)
Tamil Nadu Agricultural University,
Coimbatore 641 003

... Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent against the order dated 02-02-2009 in W.P. No. 7906 of 1998 on the file of this Court.

PRAYER IN W.P.No.7906 of 1998:- Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Certiorarified Mandamus calling for the records on the file of the Second respondent culminating in No.L2/5190/90 DATED 21.04.1998 and quash the same and direct the respondents 1 and 2 herein to restore the petitioner for the post of Superintendent.

For Appellant : Mr. S.R. Kalyani

For Respondents : Mr. Abdul Saleem for R1 & R2

J U D G M E N T

(Delivered by M.M.Sundresh,J.)

This appeal is preferred against the order of the learned Single Judge, who, after going through the relevant records, passed a speaking order dismissing the writ petition upholding the order of dismissal imposed upon the appellant.

2. Numerous charges have been framed against the appellant starting with unauthorized absence; getting employment elsewhere; misusing of passport, etc., among other things. The appellant was found to be continuously absent and not obeying the orders of rejoining which extended even during enquiry. It was found that he was working in Saudi Arabia at the relevant point of time. Accordingly, about 16 charges have been framed against the appellant. The enquiry officer conducted a detailed enquiry. The disciplinary authority, after due notice to the appellant, passed an order of dismissal. The learned Single Judge, by considering the factual position and the law governing, has dismissed the writ petition and hence the present appeal.

3. Learned counsel appearing for the appellant would submit that he was not given sufficient opportunity. He has put in sufficient number of years of service. The learned Single Judge has not considered the case of the appellant in the right perspective. Therefore, the order of the learned Single Judge requires interference.

4. We do not find any merit in this appeal. The enquiry officer has given a detailed report. He has also recorded the fact the some of the charges framed were admitted by the appellant. Even to the show cause notice issued, the appellant has given evasive replies seeking further time. Notwithstanding the time granted on several occasions, the appellant was going on seeking time. Thereafter, considering the relevant material the disciplinary authority passed the order.

5. We are not dealing with a simple case of unauthorized absence. Even otherwise, the appellant was absent for several years. He did not obey the orders of transfer. It was initially recorded that he was working in Saudi Arabia and all the communications were received only by his wife. He did admit that he visited the foreign country, though for some other reasons. The leave sought for by him was rejected on several occasions. Thus, it is quite obvious that the appellant was working elsewhere by merely sending the leave letters. He did

not seriously challenge the report of the police. He did not specifically deny his employment in Gulf. He failed to produce the passport as sought for.

6. Therefore, we do not find any error in the order passed by the disciplinary authority as confirmed by the learned Single Judge who rightly dealt with the legal position after analyzing the facts.

7. In such view of the matter, we do not find any reason to allow this appeal. This writ appeal stands dismissed. No costs.

ssm

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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Coimbatore.
2. The Registrar,
Tamil Nadu Agricultural University,
Coimbatore.
3. The Chairman,
Enquiry Committee,
Director (Planning and Monitoring),
Tamil Nadu Agricultural University,
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W.A. No. 289 of 2013

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