

W.P.No.16411 of 2019
and
W.MP.Nos.16074 & 16076 of 2019

M.DHANDAPANI.J,

By order, dated 13.11.2019, the above mentioned Writ Petition came to be closed.

Today, the matter is listed under the caption for being mentioned, at the instance of the learned counsel for the petitioner.

2. Heard the learned counsel for the petitioner and perused the record.

3. The Registry is directed to incorporate the following paragraphs in the order dated 13.11.2019 in the place of paragraph 4:

“4. The petitioner filed a Writ Petition W.P.No.43282 of 2016 challenging the charge memo dated 07.03.2016 issued against to her. In fact, along with the present petitioner, the similar charge memo was issued to other staff, who also challenged the same in W.P.Nos.20176 & 21287 of 2018, which came to be disposed of by order dated 27.08.2018 in and by which, the impugned charge memo was quashed by the learned single Judge, after taking note of the fact that subsequently, the Government vide order dated 14.7.2017 regularized the period of unauthorized absence of the petitioners therein during the period of strike period. The said order date of the learned single Judge was put to challenge in Writ Appeal in W.A.No.2182 & 2183 of 2019, wherein, the learned Division Bench of this Court, while confirming the order of the learned single Judge, has observed as under:

“6.The respondents were party to the strike. The respondents remained absent from duty for the period from 03.02.2016 to 23.02.2016. The Government was not expected to close the chapter by condoning the absence. However, for the

reasons best known, the Government took a decision to regularize the period of unauthorized absence.

7.The Charges framed against the appellants were in connection with the strike. Now that participating in the strike itself has been condoned, no useful purpose will be served by continuing with the enquiry proceedings.

8.The respondents admitted their mistakes and tendered unconditional apology. The matter should therefore come to an end here.

9. In view of the decision taken by the Government as per order dated 14.07.2017 and the unconditional apology tendered by the respondents, we confirm the order passed by the learned Single Judge.”

5. In view of the above, this Court is of the view that the above said observation by the learned Division Bench will hold good to the present Writ Petition also. Accordingly, the the impugned proceedings dated 11.5.2018 and 13.3.2019 are hereby quashed. The respondents are directed to pass appropriate order within a period of twelve weeks from the date of copy of this order.

6. With the above observation and direction, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

10.01.2020

jrs



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