

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.10.2020

CORAM

THE HONOURABLE Mr. JUSTICE P.VELMURUGAN

W.P.No.13591 of 2007 (T)
(O.A.No.3831 of 2003)

A.Joseph

...Petitioner

Versus

1. The Collector,
Pudukottai, Pudukottai District.

2. The Commissioner,
Karambakudi Panchayat Union,
Karambakudi,
Pudukottai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorarified Mandamus to call for the records relating to the impugned order of the first respondent in Na.Ka.V5/162191/02 dated 05.09.2003 and quash the same and direct the respondents to reinstate the appellant in service with all attendant benefits.

For Petitioner : Mr.P.Rajendran

For Respondents : Mr.K.Magesh
Special Government Pleader

O R D E R

This petition was originally filed before the Administrative Tribunal. Subsequently, it was abolished and hence, the petition was transferred to the Writ Court and renumbered as W.P.No.13591 of 2007.

2. According to the petitioner, he was working as a Noon Meal Organiser in the Panchayat Union Elementary School, Muthanipatti, Karambakudi Panchayat Union, Pudukottai District. On 19.09.2002, the second respondent issued a charge memo and charges were framed against the petitioner. The main allegation

against the petitioner is that during the inspection conducted by the District Collector of Pudukottai on 01.08.2002, the petitioner did not attend the office and also not maintained the accounts properly. Thereafter, on 05.09.2003 he was called for personal hearing before the District Collector and his statement was also recorded. Further, without conducting any enquiry, the impugned order of dismissal from service has been passed. Hence, the present writ petition.

3.The learned counsel for the petitioner would submit that due to sudden illness the petitioner was not present at the time of inspection. He has further submitted that without conducting any enquiry and giving an opportunity to the petitioner, the impugned order of dismissal was passed. Further, the respondents have taken stringent action of dismissal from service which is disproportionate to the charges.

4.The learned Special Government Pleader appearing for the respondents would submit that the petitioner had not maintained the accounts properly in the work place and he had not provided the Noon Meal to the school children properly. Therefore, complaints were received from the public and also from the officers. As such, the District Collector, Pudukottai conducted inspection and at that time, the petitioner was not present in the work place. Hence, the District Collector conducted an enquiry and only based on the said enquiry, the petitioner was dismissed from service.

5. Heard the learned counsel for the petitioner, the learned Special Government Pleader for the respondents and perused the materials available on record.

6.Admittedly, the petitioner was working as a Noon Meal Organiser in the Panchayat Union Elementary School, Muthanipatti, Pudukottai District. The main allegation against the petitioner is that he had not properly attended the office. Further, on the complaints received from the public, the District Collector conducted inspection on 01.08.2002 and found that the petitioner was not present at that time of inspection. Hence, he was called for personal hearing before the District Collector, Pudukottai on 05.09.2003 and his statement was obtained.

7.It is seen that during the inspection, the petitioner was not present at that place. The main purpose of the welfare scheme is to provide midday food to poor children to promote the education. Thus, the absence of the petitioner at the work place at the time of inspection conducted by the District Collector, defeats the purpose of the welfare scheme. The charges were serious in nature. Adequate opportunities were given to the

petitioner. After enquiry the petitioner was removed from service. Under these circumstances, this Court does not find any merit in this writ petition. Accordingly, the writ petition is dismissed. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

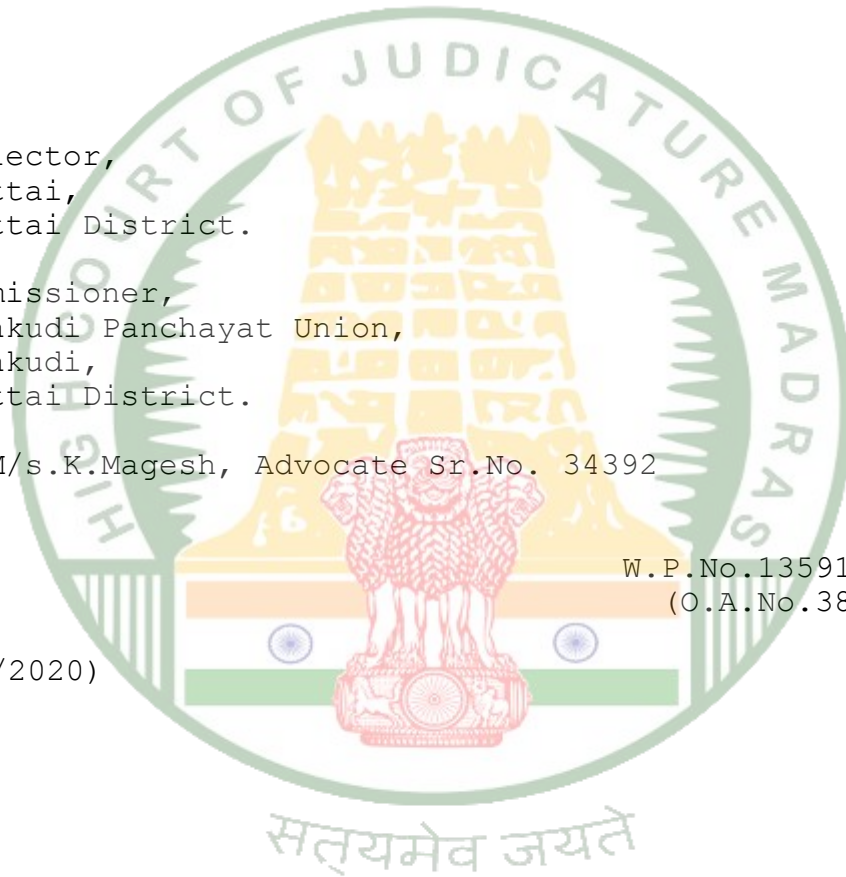
1.The Collector,
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Pudukottai District.

2.The Commissioner,
Karambakudi Panchayat Union,
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+1 cc to M/s.K.Magesh, Advocate Sr.No. 34392

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RR(CO)
RMP(23/11/2020)



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