

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.12.2020

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.Nos.13537 and 13538 of 2007

K.V.Kumar

..Petitioner
in both W.Ps

Vs

1. The District Collector,
Coimbatore,
Coimbatore District.
 2. The Commissioner,
Annur Panchayat Union,
Annur, Coimbatore District.
 3. The Government of Tamil Nadu
rep.by Secretary,
Rural and Social Welfare Department,
Fort St.George, Chennai.
- ..Respondents 1 and 2
in both W.Ps.
- ...3rd respondent
in W.P.No.13537 of 2007

Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India, seeking issuance of writ of certiorarified mandamus to call for the records pertaining to the dismissal order dated 22.2.2003 issued by the first respondent viz., Collector of Coimbatore, in his proceedings Na.Ka.No.1016/2002/Q2, dated 22.2.2003 and quash the same and direct the respondents to reinstate the applicant with all back wages and other consequential benefits and for other reliefs.

For Petitioner : No representation
in both W.Ps

For Respondents : Mr.K.Magesh
Special Government Pleader
in both W.Ps

WEB COPY
COMMON ORDER

The petitioner has come forward with these writ petitions to quash the proceedings of the first respondent dated 22.2.2003 and consequently to direct the respondents to reinstate him with all back wages and other consequential benefits.

2. There is no representation for the petitioner.

3. Heard the learned Special Government Pleader for the respondents and perused the materials available on record.

4. The petitioner was working as a Noon Meal Organiser in the Panchayat Union Elementary School, Attavanai Simsampatti, Annur Block, Coimbatore District, within the limits of Annur Panchayat Union. While he was in service, the second respondent issued a charge memo and nine charges were framed against the petitioner. Thereafter, explanation was called for from the petitioner, after submission of the explanation, enquiry officer was appointed. After due enquiry, the enquiry officer submitted his report and holding that the charges levelled against the petitioner were proved. Based on which, the Disciplinary Authority passed an order imposing a punishment of dismissal from service. Challenging the same, the petitioner filed an application in O.A.No.808 of 2003 before the Administrative Tribunal. Subsequently, it was abolished and hence, the petition was transferred to the Writ Court and renumbered as W.P.No.13537 of 2007.

5. The learned Special Government Pleader for the respondents would submit that by suppressing filing of O.A.No.808 of 2003, the very same petitioner filed another application in O.A.No.2742 of 2003 through some other counsel for the same relief. He would further submit that the charges levelled against the petitioner were grave in nature. While he was working as Noon Meal Organiser, he did not attend the duty regularly and also not maintained the accounts properly. Further, the petitioner had not provided the Noon Meal to the school children properly. Therefore, complaints were received from the public, an inspection was conducted and hence, the petitioner was placed under suspension. Thereafter, enquiry officer was appointed and after due enquiry, the enquiry officer submitted his report. Based on the report, the Disciplinary Authority passed an order imposing punishment of dismissal from service.

6. On a careful perusal of the records, it would reveal that the petitioner filed two original applications for the same relief before the Administrative Tribunal. Further the charges levelled against the petitioner were grave in nature. The main purpose of the welfare scheme is to provide midday food to poor children to promote the education. The petitioner has not maintained the accounts properly and also not attended the duty regularly and he has also misused his official position. Therefore, the charges levelled against the petitioner were proved and awarded punishment of dismissal from service.

7.Considering the grave in nature of charges levelled against the petitioner and considering the fact that the petitioner has filed two applications seeking the very same relief, this Court does not find any merit in these writ petitions. Accordingly, the writ petitions are dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The District Collector,
Coimbatore,
Coimbatore District.

2. The Commissioner,
Annur Panchayat Union,
Annur, Coimbatore District.

3. The Secretary,
Government of Tamil Nadu,
Rural and Social Welfare Department,
Fort St.George, Chennai.

+1cc to the Government Pleader, S.R.No.38871

+1cc to Mr.K.Magesh, Advocate in SR.NO..38796

W.P.Nos.13537 and 13538 of 2007

AJS (CO)
RV(22/12/2020)
RV(09/2/2021)

WEB COPY