

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2020

CORAM

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P.No. 17243 of 2007
(O.A.Nos.2361 of 2003)

S.Subash Chandra Bose

...Petitioner

Versus

The Personal Assistant (General)
to the Collector,
Pudukottai,
Pudukottai District.

... Respondent

PRAYER: Originally this petitions have been filed as Original Application Nos.2361 of 2003 before the TamilNadu Administrative Tribunal at Chennai and after abolition of TNAT, petitions have been transferred and numbered as W.P.No.17243 of 2007 respectively.

Writ petitions are filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned order of the respondent in Na.Ka.A3/13052/2002 dated 03.06.2003 and quash the same and direct the respondent to reinstate the petitioner in service with all attendant benefits.

For Petitioner : No appearance

For Respondent : Mr.K.Magesh
Special Government Pleader

O R D E R

The case of the petitioner is that he was initially appointed as Office Assistant on 18.09.1984 and his service was regularized in the year 1986. At that time of joining the post, the petitioner qualified as SSLC fail. Thereafter, he passed the SSLC examination in the year 1991. Subsequently, the petitioner was promoted as Junior Assistant in the year 1997 based on the SSLC passed certificate produced by the petitioner and the same was sent to the appropriate authority viz., Department of Public Examination. The respondent received report from the Department

found that the certificate issued by the petitioner was bogus. Therefore, the petitioner was reverted back from the post of Junior assistant to the post of Office Assistant by an order dated 13.03.2002 in Na.Ka.A3/13052/2002. Thereafter a charge memo was issued to the petitioner on 20.03.2020. Subsequently, an enquiry officer was appointed and after the enquiry an enquiry report was filed on 18.02.2003. Subsequently, the respondent passed an order of removal from service vide proceedings in Na.Ka.A3/13052/2002 dated 03.06.2003. Challenging the said order the petitioner filed an Original Application before the TamilNadu Administrative Tribunal at Chennai and after abolition of TNAT, petition has been transferred and renumbered as W.P.No.17243 of 2007.

2. This Writ Petition has been filed challenging the order passed by the respondent in Na.Ka.A3/13052/2002 dated 03.06.2003 and seeks to quash the same and to direct the respondent to reinstate the petitioner in service with all attendant benefits.

3. Today, when the matter is taken up for hearing, there is no representation for the petitioner despite sufficient opportunity given.

4. Heard, the learned Special Government Pleader and perused the materials available on record.

5. Admittedly, the petitioner was initially appointed as Office Assistant on 18.09.1984. Subsequently, he was promoted as Junior Assistant in the year 1997 based on the SSLC passed certificate produced by the petitioner. Thereafter, the said certificate was sent to the appropriate authority viz., Department of Public Examination for verification. The respondent received report from the Department found that the certificate issued by the petitioner was bogus. Therefore, the petitioner was reverted back from the post of Junior assistant to the post of Office Assistant by an order dated 13.03.2002 in Na.Ka.A3/13052/2002. Thereafter a charge memo was issued to the petitioner on 20.03.2020. Subsequently, an enquiry officer was appointed and after the enquiry an enquiry report was filed on 18.02.2003 and all the charges levelled against the petitioner were proved. Subsequently, the respondent passed an order of removal from service vide proceedings in Na.Ka.A3/13052/2002 dated 03.06.2003.

6. Considering the facts and circumstances of the case and a careful perusal of the records, this Court is of the view that the petitioner committed serious misconduct by producing bogus certificate for promotion. Hence, this court is of the considered view that the punishment imposed was not shockingly

disproportionate and this court does not find any merits in the Writ Petition and this Writ Petition is liable to be dismissed. Accordingly, this Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar

//True Copy//

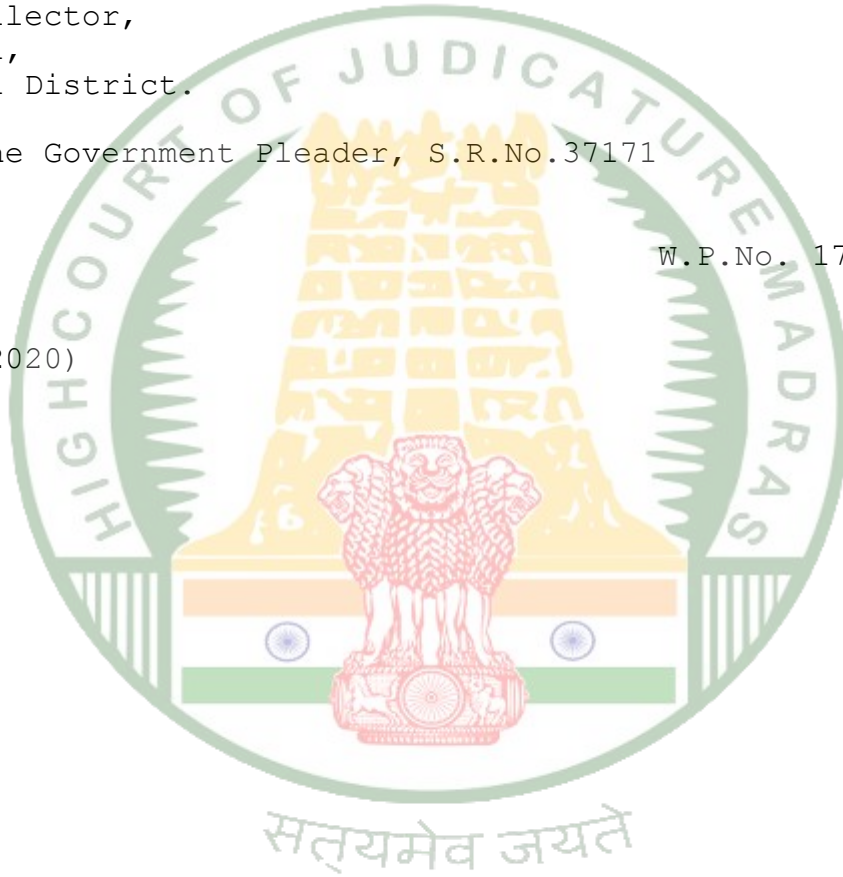
Sub Assistant Registrar

To
The Personal Assistant (General)
to the Collector,
Pudukottai,
Pudukottai District.

+1cc to the Government Pleader, S.R.No.37171

W.P.No. 17243 of 2007

SS(CO)
RV(21/12/2020)



WEB COPY