

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.10.2020

CORAM

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P.No.17710 of 2007
(O.A.No.1759 of 2004)

S.Subramanian

... Petitioner

Vs.

1. The Block Development Officer,
Veppur Panchayat Union,
Veppur,
Perambalur District.

2. The District Collector,
Perambalur District,
Perambalur.

... Respondents

PRAYER : Originally this petition has been filed as Original Application No.1759 of 2004 before the Tamil Nadu Administrative Tribunal at Chennai and after abolition of TNAT, petition has been transferred and numbered as W.P.No.17710 of 2007.

Writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records in pursuant to the impugned order passed by the first respondent in his proceedings Na.Ka.No.811/02/Sa/Ou.Thi 1 dated 18.08.2003 and quash the same, consequently direct the first respondent to reinstate the applicant and further given a direction to the first respondent to pay all the back wages and Monitory benefits to the applicant.

For Petitioner :Mr.P.Gurunathan

For Respondents:Mr.K.Magesh
Special Government Pleader

ORDER

This Writ Petition has been filed challenging the order passed by the first respondent in Na.Ka.No.811/02/Sa/Ou.Thi 1 dated 18.08.2003, quash the same and consequently to direct the first respondent to reinstate the petitioner and further give a direction to the first respondent to pay all the back wages and Monitory benefits to the petitioner.

2. It is averred in the writ petition that the petitioner has filed the Original Application before the Tamil Nadu Administrative Tribunal, Chennai. Subsequently, due to abolition of the Tribunal, this matter was transferred to this Court and renumbered as W.P.No.17710 of 2007.

3. The case of the petitioner is that he was appointed as a Noon Meal Organizer on 11.01.1986. Thereafter, suddenly he was placed under suspension and was again reinstated in his service vide order dated 20.03.2002. Further, after completion of inquiry conducted by the first respondent on 01.07.2003, the petitioner was terminated from service vide proceedings in Na.Ka.No.811/02/Sa.Ou.Thi 1 dated 18.08.2003. Challenging the said termination order, he filed O.A.No.1759 of 2004. Subsequently, due to abolition of the said Administrative Tribunal, the application was transferred to this Court and was renumbered as W.P.No.17710 of 2007.

4. According to the petitioner, since the date of appointment he was working very sincerely and honestly to his superiors, without any unblemished record. Suddenly he was placed under suspension by the first respondent. Subsequently, he was reinstated in the service. Thereafter, the first respondent framed charges against the petitioner on 18.03.2002 and the charge memo was issued to the petitioner; and after inquiry, he was terminated from his service.

5. Mr.K.Magesh, learned Special Government Pleader appearing for the respondents submitted that the explanation of the petitioner was properly considered and without any ulterior motive, all the charges against the petitioner were proved. Learned Special Government Pleader would also submit that there are seven charges against the petitioner and all the charges are grave in nature and he is a habitual absentee and also not properly given the food to the poor children and even without obtaining any permission, had received the PDS Rice in his own volition without informing the Departmental Superiors. The charge memo was duly served and the explanation offered by the petitioner was not satisfactory and the charges were proved against him and based on the same, he was imposed with the punishment of termination from service, therefore, the punishment imposed against the petitioner is reasonable.

6. Admittedly the petitioner was appointed as Noon Meal Organizer on 11.01.1986 and subsequently due to irregularity, he was suspended from service and subsequently, charges were framed and a charge memo was served and the charges against the petitioner are grave in nature. Since the explanation offered by the petitioner was not satisfactory one, the Enquiry Officer

submitted his report stating that all the charges levelled against the petitioner were proved.

7. This Court, on a perusal of the materials especially the charge memo dated 18.03.2002 and the report of the Enquiry Officer, is of the considered view that the impugned order passed by the first respondent dated 18.08.2003, terminating the petitioner from service, warrants no interference at the hands of this Court and the writ petition deserves dismissal.

8. Accordingly, this Writ Petition stands dismissed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Block Development Officer,
Veppur Panchayat Union,
Veppur,
Perambalur District.

2.The District Collector,
Perambalur District,
Perambalur.

+1 cc to M/s.K. Magesh Special Government Pleader, Sr.No. 34391
+1 cc to The Government Pleader, Sr.No. 34699

SSV(CO)
RMP(09/12/2020)

W.P.No.17710 of 2007

सत्यमेव जयते

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