

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.11.2020

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.2315 of 2007

M.Muralidharan

..Petitioner

Vs

1. The Assistant Executive Engineer,
Agricultural Engineering Department,
Thiruvannamalai.

2. The Executive Engineer,
Agricultural Engineering Department,
Thiruvannamalai.

..Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, seeking issuance of a writ of certiorarified mandamus,

(a) to call for the records in pursuance to the impugned order passed by the 1st respondent in Letter No.A1/3816/97 dated 24.9.99 and the appellate order of the 2nd respondent passed in Proc.No.A3/3204/96 dated 25.1.2001 and quash the same.

(b) to direct the respondents to reinstate the applicant in service with full backwages and other consequential service benefits.

For Petitioner : Mr.M.Saravana Kumar

For Respondents : Mr.K.Magesh

Special Government Pleader

ORDER

The relief sought for in this writ petition is to quash the impugned order passed by the first respondent dated 24.09.1999 and the order of the second respondent dated 25.1.2001 and consequently, to direct the respondents to reinstate the petitioner in service with full back-wages and other consequential service benefits.

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

3. According to the petitioner, he was working as a Rock Drill Operator in the office of the first respondent. Due to his

illness he took leave on 18.02.1994 to 12.03.1996, 01.04.1996 to 08.04.1996, 01.06.1996 to 02.01.1997, 07.02.1997 to 03.04.1997 and 30.4.1997 to 31.08.1999, respectively. Subsequently, the petitioner was issued with charge memo by proceedings dated 24.9.1999 and imposed a punishment of removal from service. Aggrieved over the said order, the petitioner filed an appeal before the second respondent and the same was dismissed. Challenging the same, the present writ petition.

4.The learned counsel for the petitioner would submit that though G.O.Ms.No.1046 Personnel and Administrative Reforms Department dated 13.11.1987 was quashed by the Tribunal, subsequently, revised G.O.Ms.No.153 and 154 Personnel and Administrative Reforms Department dated 8.8.2000 was issued. He would further submit that as per said Government Order, a Government Employee, who was absent for more than one year cannot be discharged from service and further each case should be decided in accordance with the merits and the genuinity. However, the second respondent failed to consider the said aspect and rejected the appeal on 25.1.2001. Hence, the impugned orders are liable to be set aside.

5. The learned Special Government Pleader appearing for the respondents would submit that when the petitioner had remained unauthorisedly absented for 1888 days, the first respondent initiated disciplinary proceedings against the petitioner and charges were framed. The enquiry officer conducted the enquiry and the charges framed against the petitioner were proved and passed an order of imposing punishment of removal from service. Therefore, he submitted that this petition may be dismissed.

6.Admittedly, the petitioner unauthorisedly absented himself for duty for 1888 days and the charges levelled against the petitioner were proved and hence, the first respondent passed the order of imposing punishment of removal from service.

7. Considering the above facts and circumstances of the case, 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

//True Copy//

Sub Assistant Registrar

To

1. The Assistant Executive Engineer,
Agricultural Engineering Department,
Thiruvannamalai.
2. The Executive Engineer,
Agricultural Engineering Department,
Thiruvannamalai.

+1cc to Mr.R.Prem Narayan, Advocate, S.R.No.36234

+1cc to the Government Pleader, S.R.No.36332

W.P.No.2315 of 2007

BR(CO)
RV(09/12/2020)



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