

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 06.07.2020

CORAM

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P.No.8003 of 2020
and
WMP No.9442 of 2020

R.Subramaniam

...Petitioner

Vs.

1.The Joint Director of Agriculture,
Erode District, Erode.

2.The District Collector,
Erode District, Erode.

...Respondents

Prayer:

Writ Petition filed under Section Article 226 of the Constitution of India praying Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order of the first respondent dated 02.02.2015 vide proceedings No.A5/21416/2008, quash the same and consequently direct the respondents to disburse all the service benefits to the petition within a fixed time frame.

For Petitioner : Mr.D.R.Arun Kumar

For Respondent : Mr.P.S.Siva Sanmugasundaram
Special Government Pleader

ORDER

The matter is taken up through web hearing.

2.This writ petition is filed with the following prayer:

"To call for the records pertaining to the impugned order of the first respondent dated 02.02.2015 vide proceedings No.A5/21416/2008, quash the same and consequently direct the respondents to disburse all the service benefits to the petition within a fixed time frame."

3.The case of the petitioner is that he joined as Assistant Agricultural Law Officer in Thalavadi Taluk, Erode District, in 2008. According to him, he went into a depressive state in the same year itself and remained unauthorisedly absent for a long period of time till 2015. In the meanwhile, Departmental proceedings were initiated for his unauthorized absence and when notices were sent, calling upon him to attend enquiry, those notices were also not accepted or received by the petitioner and ultimately, vide, impugned order dated 02.02.2015, the petitioner came to be dismissed from service. According to the impugned order, the notice prior to the issuance of charge memo, charge memo though had been sent, were not received. Therefore, the administration had no other option except to complete the enquiry ex-parte. The charges of unauthorized absence were borne out by records and therefore, the petitioner was found guilty of the charges.

4.The writ petition is filed challenging the said proceedings dismissing the petitioner from service. The affidavit filed in support of the writ petition is completely bereft of any details and the narrative is so sketchy, nothing could be made out as to why the petitioner has leisurely approached this Court in 2020. Even otherwise, the facts as disclosed by him would show that the petitioner was unauthorisedly absent for a pretty long period, which per se is uncondonable under any circumstances. Even according to the petitioner, he was insane during his long period of absence and therefore, he had rightly invited the order of dismissal from service

5.No reasons have been spelt out in the affidavit as to the delay from 2015 and till 2020. On the whole, it appears that the writ petition is a speculative litigation lacking in complete merit and substance. The writ petition is severely hit by extraordinary laches, which cannot be condoned under any circumstances. Hence, the writ petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is dismissed.

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-Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

msh/mrm

To

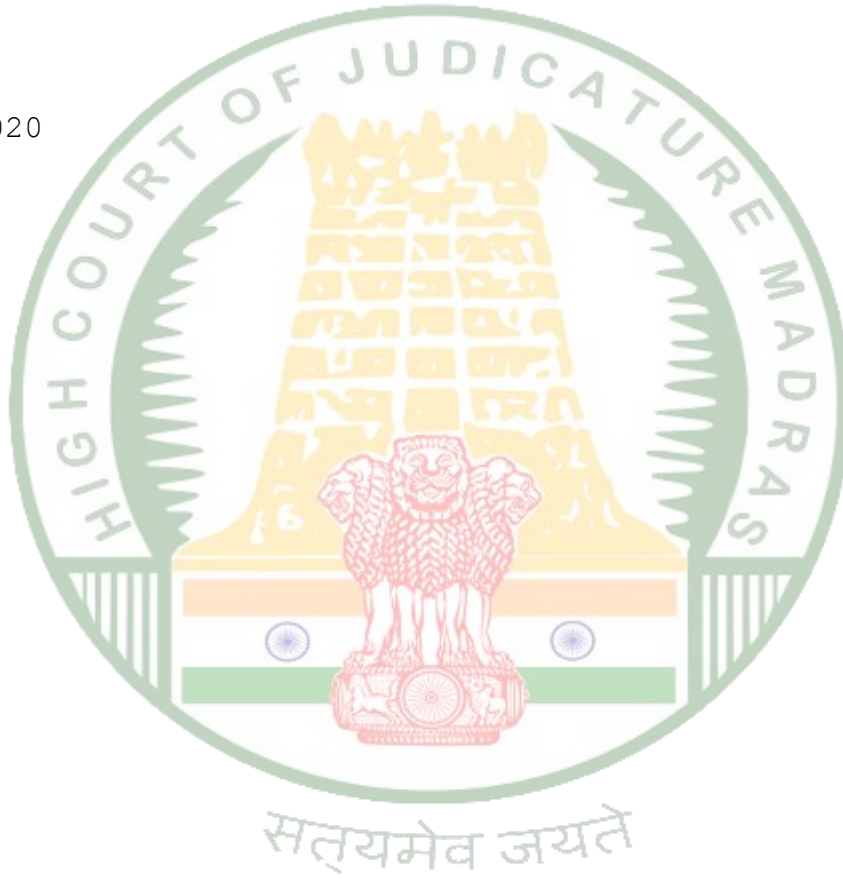
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2.The District Collector,
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