



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.09.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESAVALU

W.P.No.16219 of 2021

G.Velu

.. Petitioner

Vs

1. The District Munsif,
Sholingur, Vellore District.

2. The Principal District Judge,
Vellore, Vellore District.

..Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus calling for the records pertains to the impugned order passed by the second respondent bearing reference Dis.No.1255/2020/A, dated 05.02.2020, confirming the order of the first respondent bearing reference Viduvi. No.1567, dated 17.12.2015 and quash the same, consequently direct the respondents to pay all monetary benefits to the petitioner.

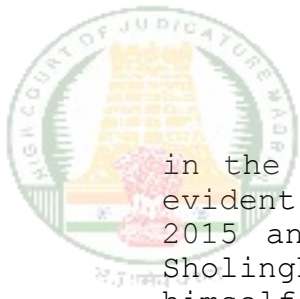
For the Petitioner : Mr.P.R.Thiruneelakandan

For the Respondents : Mr.M.Kempraj

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

The petitioner, a regular absentee without justifiable cause, challenges the nominal punishment that has been awarded



in the disciplinary proceedings instituted against him. It is evident from the records that over a period between April 25, 2015 and August 31, 2015, the petitioner, a Junior Bailiff at Sholinghur, working at Arakkonam on deputation, had absented himself on medical grounds without producing any medical reports. Due opportunity was afforded to the petitioner, whereupon the explanation was found to be unsatisfactory and, on facts, the disciplinary authority and the appellate forum found that there was no ground for the petitioner who was otherwise hale and hearty to absent himself for such a long duration.

2. The appellate order of February 1, 2020 refers to the excuses proffered by the petitioner for his prolonged absence. Though the petitioner tries to refer to other documents to indicate that the petitioner had appeared before a Medical Board which had deferred the consideration of his case, it does not appear that there was any real malaise that the petitioner suffered from to entitle him to obtain leave on medical grounds for such long duration during the relevant period.

3. The punishment that has been awarded is of stopping his salary increment for two years without it being cumulative. For the gross dereliction of duty which is apparent, the petitioner has got off lightly.

4. A message has to be sent out loud and clear that employment in a government office is not a privilege that entitles the employee to draw the salary and not discharge any duties. It has become fashionable for employees to flaunt their status as being government servants and claim the attendant benefits of office without rendering adequate service.

5. The petitioner's challenge here has to be seen within the limited scope of judicial review available in such a case. The petitioner was afforded due opportunity to present his case, his explanation was looked into and found to be without basis and due reasons have been indicated by both the disciplinary authority and the appellate authority in support of the impugned orders. Once the decision-making process appears to be in order and the decision does not shock the conscience of the court or appear to be grossly disproportionate to the conduct complained of, the writ court will not be minded to interfere in the decision taken in the domestic forum.

6. There is no basis for the petitioner's grievance and



W.P.No.16219 of 2020 is dismissed. There will, however, be no order as to costs.

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Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To:

1. The District Munsif,
Sholingur,
Vellore District.
2. The Principal District Judge,
Vellore,
Vellore District.

W.P.No.16219 of 2021

PA(CO)
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