

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:07.09.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

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

W.P.No.18708 of 2021

K.Vijay Aravinth

.. Petitioner

Vs.

The Registrar General  
High Court of Madras, Chennai-104.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings dated 03.05.2021 vide ROC.No.54714-A/2020-Estt.II issued by the respondent and quash the same as illegal and consequently direct the respondents and reinstate the petitioner into service.

For the Petitioner : Mr.A.V.Raja  
For the Respondent : Mr.B.Vijay

ORDER

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

The writ petitioner did not report to his duty at the Madras High Court from the beginning of July, 2020 without indicating any reason. The petitioner had been engaged as a residential assistant with effect from December 20, 2019 and he was on probation at the relevant point of time.

2. Upon the petitioner being asked to explain his conduct by a memorandum of September 15, 2020 and the petitioner's explanation of September 18, 2020 being found unsatisfactory, his engagement was terminated and he was discharged from service by an order of February 1, 2021. In between, for several months the petitioner did not attempt to rejoin his post nor did he furnish any explanation therefor. Though it may not have been necessary in the context, but a further show-cause notice of December 4, 2020 was issued to the petitioner and it is only upon the continued unexplained absence of the petitioner even thereafter that his engagement was terminated.

3. There is no merit in the petitioner's attempt at justification that Covid 19 had kept the petitioner away from his post. It is inconceivable that the petitioner who does not speak of any special vulnerability and who appears to be in his late twenties had any reason to abandon his post and not rejoin the same despite several opportunities being afforded.

4. The petitioner had preferred a departmental appeal which was considered on merits and duly rejected.

5. W.P.No.18708 of 2021 is dismissed. There will be no order as to costs.

s/d-  
Assistant Registrar

True Copy

Sub-Assistant Registrar

tar  
To:

The Registrar General  
High Court of Madras, Chennai-104.

Copy to  
The Section Officer  
'F' Section  
High Court, Madras 104.

W.P.No.18708 of 2021

MG(CO)  
SP(14/09/2021)