



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.S. SUNDAR

W.P. (MD).No.13855 of 2014

and

M.P (MD) No.1 of 2014

K.Saravanakumar

... Petitioner

Vs.

1.The District Collector,
Tirunelveli,
Tirunelveli District.

2.The Assistant Director of Panchayats (Rural)
Tirunelveli,
Tirunelveli District.

3.The Block Development Officer,
Melanelithanallur Panchayat Union,
Tirunelveli District.

4.The President,
Second Grade Panchayat,
Elanthaikulam,
Tirunelveli District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the 4th respondent in his proceedings dated 06.08.2014 and quash the same and consequently direct the 4th respondent to reinstate the petitioner into service in the respondent office with all monetary benefits forthwith.

For Petitioner : Mrs.Ragavendri
for M/s.K.Prabhu

For R1 to R3 : Mr.M.Lingadurai
Government Advocate



ORDER

This Writ Petition is filed for the issuance of Writ of Certiorarified Mandamus, to quash the impugned order passed by the fourth respondent in his proceedings dated 06.08.2014 and to direct the fourth respondent to reinstate the petitioner into service in the respondent office with all monetary benefits.

2.The petitioner was appointed as OHT Operator in the fourth respondent office in the year 2007. Since the petitioner did not report duty for more than six months, a show cause notice was issued to the petitioner.

3.The learned counsel for the petitioner states that an explanation was submitted by the petitioner denying the specific charge that he did not report duty for a long period. It is stated in the said explanation that the petitioner was prevented from doing his work continuously. The petitioner also undertook to serve without giving room for any irregularities.

4.The nature of explanation does not indicate that the petitioner is neither honest nor sincere to give a specific reply. Except two sentence, the petitioner has not given any detail. When the petitioner says that he was prevented from doing work, he should specifically mention the name of any coworker or anyone, who had obstructed the petitioner from doing any work. The impugned order specifically refers to the charge that the petitioner was unauthorizedly absent for a long period of six months. It is specifically stated that the petitioner never visited the panchayat office for all these days. The explanation of the petitioner was also considered in the impugned order. As stated in the impugned order, the petitioner was appointed as OHT Operator in the panchayat. It is an essential service in the local body. Drinking water supply is one of the essential function of the local body. Having accepted appointment to serve the public, the petitioner's negligence and unauthorized absence can never be permitted or approved by the local body. This Court has no reason to disbelieve the statement of facts found in the impugned order. No malafide is alleged against the present order.

5.Before this Court, the learned Government Advocate produced the Attendance Register maintained by the Panchayat Office. The petitioner is one amongst the five persons employed by the local body. The Attendance Register reveals that the petitioner was continuously absent for more than six months. Hence, this Court has no reason to interfere with the order passed by the fourth respondent. Accordingly, the writ petition is liable to be dismissed for want of merits. Accordingly, this writ petition is



dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (W)

// True Copy //

WEB COPY

/ /2021

Sub Assistant Registrar (CS)

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

1. The District Collector,
Tirunelveli,
Tirunelveli District.
2. The Assistant Director of Panchayats (Rural)
Tirunelveli,
Tirunelveli District.
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