



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.12.2021

CORAM:

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P. (MD) No.23285 of 2021

and

W.M.P. (MD) Nos.19716 & 19717 of 2021

V.Arumugam

.. Petitioner

-vs-

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Assistant Director of Panchayat,
Tirunelveli.

3.The Block Development Officer,
(Village Panchayat).
Kalakkadu Union,
Tirunelveli District.

4.The President,
Kadamboduvalavu Panchayat,
Kalakkadu Union,
Tirunelveli District.

5.A.Uchimahali Annadurai,
The President,
Kadamboduvalavu Panchayat,
Kalakkadu Union,
Tirunelveli District.

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India to issue Writ of Certiorarified Mandamus to call for the records relating to the suspension order dated 15.12.2021 received by petitioner on 24.12.2021 passed by the 4th respondent and quash the same and consequently, direct the respondents to treat the period from 01.11.2021 F.N. To 15.12.2021 F.N. (during which the 4th respondent prevented the Petitioner from attending College) and the suspension period from 15.12.2021 F.N. as Duty period and grant all



the service and monetary benefits with a time limit to be fixed by this Court.

For Petitioner : Mr.Sakthikumaran.T

WEB COPY For RR1 to 3 : Mr.M.Sarangan,
Additional Government Pleader

For RR4 & 5 : Mr.R.Anand

ORDER

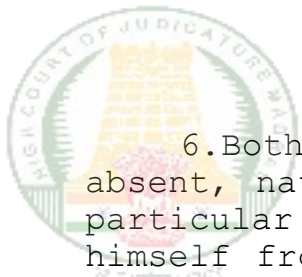
Heard only the learned counsel for the petitioner.

2.The Writ Petition has been filed in the nature of the Certiorarified Mandamus questioning the order dated 15.12.2021 said to be a suspension order passed by the 4th respondent. It is also seen that the period of suspension is sought to be treated as if the petitioner was on duty.

3.The petitioner is working as Over head Tank Operator. He is working in the Kadamboduvalavu Panchayat, Kalakkadu Union in Tirunelveli District. As Over head Tank Operator, the duty cast on the petitioner is quite significant. He is responsible not only to ensure that there is proper flow of water whenever water flows through the pipelines fixed by the Panchayat, but also to ensure that the tanks are kept sanitized and cleaned.

4.Initially, it was alleged by a show cause that the petitioner came to work drunk. This allegation is quite serious. If he is to receive salary from the public out of the tax payers money, it would be only appropriate that he maintains proper decorum and conduct during the period when he discharges his official duty. During official hours, if any public servant, including the petitioner, takes an affinity to drink alcohol and come to work, he naturally invites the orders of the nature now impugned, being passed against him.

5.Learned counsel for the petitioner claims that a reply had been sent and also points out that it had also been received by the 4th respondent. The grievance of the learned counsel for the petitioner is that the petitioner had however been kept under suspension on the ground that, without any prior notice, he had absented himself from 01.11.2021. It is stated that while the show cause notice was issued that he was drunk, the order of suspension was issued that he was absent without any prior notice.



6.Both the allegations are quite serious. If the petitioner is absent, naturally it might also indicate that he was drunk on that particular date. If the person is drunk, naturally he will absent himself from work on that particular date. Even if the petitioner is drunk and is present, then he will invite charges that he has come to work drunk. Either way, the order impugned cannot be interfered by this Court and the petitioner will have to face necessary process in manner known to law.

7.The writ petition stands dismissed with the above observations. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

abr

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 District,Tirunelveli.
- 2.The Assistant Director of Panchayat,
Tirunelveli.
- 3.The Block Development Officer,
(Village Panchayat).
Kalakkadu Union,
Tirunelveli District.
- 4.The President,
Kadamboduvalavu Panchayat,
Kalakkadu Union,
Tirunelveli District.

W.P. (MD) No.23285 of 2021

Dated: 29.12.2021

RK(05/01/2022) 3P/5C