

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19-10-2022

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.40444 of 2016

And

WMP No.34511 of 2016

R.S.Purushot

..

Petitioner

vs.

1.The Managing Director,
TASMAC,
Egmore,
Chennai.

2.The Senior Regional Manager,
TASMAC,
Salem and District.

3.The District Manager,
TASMAC,
Vellore and District.

..

Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records on the file of the first respondent relating to the order passed in Se.Mu.Ka.No.R2/11093/2016 dated 13.10.2016 and quash the same and consequently, direct the respondents to reinstate the petitioner into service with all consequential service and monetary benefits in the post of Salesman.

For Petitioner : Mr.R.N.Chandrasekaran

For Respondents-1 and 3 : Mr.K.Balakrishnan

For Respondent-2 : Mr.M.Sekar

O R D E R

The order of termination passed by the third respondent and confirmed by the Appellate Authority and also by the first respondent, are under challenge in the present writ petition.

2. The petitioner was appointed as Salesman on consolidated pay salary in the respondent-TASMAC. The petitioner states that suddenly he fell ill and took medical treatment for the period from 30.09.2013 to 12.12.2014. Thus, he was unable to report for duty.

3. The petitioner submitted a petition on 23.05.2014 to the third respondent explaining the reason for not attending the work. Thereafter, he submitted medical certificate before the third respondent and made a request to permit him to join duty. But the petitioner was not allowed to join duty and the departmental disciplinary proceedings were initiated against him.

4. A charge memorandum was issued against the writ petitioner and the explanation submitted by the petitioner was not accepted and an Enquiry Officer was appointed, who in turn conducted an enquiry and found that the allegation of unauthorised absent for a long period was established as against the writ petitioner.

5. Accepting the findings of the Enquiry Officer, the Disciplinary Authority imposed the penalty of termination from service. The petitioner remained unauthorisedly absent from 30.09.2013 to 12.12.2014 and more specifically for more than one year.

6. The petitioner had not informed about his absence to the Competent Authority. Thus, the departmental disciplinary proceedings initiated against the writ petitioner cannot be found fault with and the procedures as contemplated were also followed. The petitioner was afforded with an opportunity to defend his case. The Enquiry Officer held that the charges are proved and based on the proved charges, the petitioner was terminated from service. The appeal filed by the writ petitioner before the Tribunal was also rejected, since the Appellate Authority found that the petitioner remained unauthorisedly absent for more than one year.

7. The petitioner was a temporary employee appointed on consolidated pay salary. He remained as unauthorisedly absent for more than one year. He is not a regular employee of the respondent-Corporation and therefore, this Court do not find any infirmity in respect of the departmental disciplinary action initiated against the writ petitioner.

8. Since the charge against the writ petitioner was unauthorised

absence for more than one year, a charge memo was issued and after affording opportunity to the writ petitioner, an enquiry was conducted and the Enquiry Officer submitted his report holding that the charges levelled against the petitioner are proved and thereafter, the Disciplinary Authority imposed the punishment of termination of service.

9. Thus, this Court do not find any infirmity in respect of the procedures followed for imposing the penalty of termination from service. That apart, the petitioner was a temporary consolidated pay salary employee and thus, there is no perversity in respect of the action taken and the punishment imposed, which was confirmed by the Appellate Authorities. Thus the writ petitioner has not raised any acceptable ground for the purpose of considering the relief as such sought for in the present writ petition.

10. Accordingly, the writ petition stands dismissed. However,

there shall be no order as to costs. Consequently, connected miscellaneous petition is also dismissed.

19-10-2022

Index : Yes/No.

Internet : Yes/No.

Speaking Order/Non-Speaking Order.

Svn

To

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S.M.SUBRAMANIAM, J.

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