



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.04.2022

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.(MD) No.17514 of 2019

W.M.P(MD).No.13998 of 2019 & 1924 of 2021

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... Petitioner

-vs-

- 1.The Divisional Engineer,
(Construction and Maintenance),
State Highways Department,
Thoothukudi-2.
- 2.The Assistant Divisional Engineer,
(Construction and Maintenance),
State Highways Department,
Vilathikulam Sub-Division,
Thoothukudi District.
- 3.The Assistant Divisional Engineer,
(Construction and Maintenance),
State Highways Department,
Kovilpatti Sub-Division,
Thoothukudi District.

... Respondents

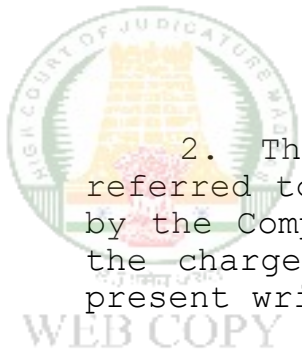
Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents to keep in abeyance of the further enquiry proceedings in respect of the charge memo dated 10.4.2018 issued against the petitioner by the 1st respondent in his reference Memorandum No.1543/2015/A3 till the consideration of the opinion of the Medical Board of Medical College Hospital, Thoothukudi by the 1st respondent.

For Petitioner : Mr.D.Malaichamy

For Respondents : Mr.D.Sadiq Raja
Additional Government Pleader

O R D E R

The relief sought for in the present writ petition is to direct the respondents to keep in abeyance of further enquiry proceedings in respect of the charge memo dated 10.4.2018 issued against the petitioner by the 1st respondent in his reference Memorandum No.1543/2015/A3 till the consideration of the opinion of the Medical Board of Medical College Hospital, Thoothukudi by the 1st respondent.



2. The grievance of the petitioner is that his case was referred to the Medical Board and during the pendency of the report by the Competent Medical Board, the respondents have proceeded with the charge memo. Thus, the petitioner is constrained to move the present writ petition.

3. The learned Additional Government Pleader made a submission that the Medical Board considered the case of the writ petitioner and submitted a report stating that the genuinity of the medical leave could not be arrived at by Clinical examination and also no supportive documents were produced to prove the illness. Therefore, the Board stated that the leave availed from 06.09.2014 to 08.08.2018 is not recommended which may not be treated another there.

4. It is contended that the Competent Medical Board has not recommended the medical leave as the petitioner could not establish his illness with supportive documents. In view of facts and circumstances, the respondents are now at liberty to continue the departmental disciplinary proceedings and conclude the same as expeditiously as possible by affording opportunity to the writ petitioner. The writ petitioner is directed to co-operate for early disposal of the departmental disciplinary proceedings and in the event of non-co-operation, the same may be recorded in the proceedings itself and in such circumstances, he is not entitled to seek any relief on the ground that there is a delay in disposal of the disciplinary proceedings.

5. Accordingly, the Writ Petition stands disposed of. However, there shall be no order as to costs. Connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

ssb

To

1.The Divisional Engineer,
(Construction and Maintenance),
State Highways Department,
Thoothukudi-2.



2.The Assistant Divisional Engineer,
(Construction and Maintenance),
State Highways Department,
Vilathikulam Sub-Division,
Thoothukudi District.

3.The Assistant Divisional Engineer,
(Construction and Maintenance),
State Highways Department,
Kovilpatti Sub-Division,
Thoothukudi District.

+1 CC to M/s.SPL.GP. (SR-20733[F] dated 22/04/2022)

W.P.(MD) No.17514 of 2019

21.04.2022

MGJ(11.05.2022) 3P 5C