BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.07.2022

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THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

W.P.(MD)No.5170 of 2014
and
M.P.(MD)No.1 of 2014

T.Meenakshisundaram,
S/o.Late R.Thisai Veera Pandian,
Head Quarters Deputy Tahsildhar,
Deputy Tahsildhar Cadre,
Taluk Office,
Kadaladi, Ramanathapuram District. ... Petitioner

Vs.

1. The Principal Secretary / Commissioner of Revenue Administration,
   Ezhilagam,
   Chepauk,
   Chennai - 600 005.

2. The District Collector,
   Ramanathapuram District,
   Ramanathapuram. ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari calling for the records of the impugned order passed by the second respondent herein in his proceedings in Na.Ka.No.A5/98729/2013 dated 10.03.2014 and quash the same.

For Petitioner	:	Mr.M.Saravanakumar
For Respondents	:	Mr.D.Gandiraj Special Government Pleader

ORDER

The impugned order passed by the second respondent in Na.Ka.No.A5/98729/2013 dated 10.03.2014, is under challenge in the present Writ Petition.

2. The learned counsel for the petitioner submitted that the second respondent issued a charge memo dated 02.12.2013 under Rule 17(a) of the Tamil Nadu Civil Servants (Discipline and Appeal) Rules for the reason that the petitioner remained absent on 25.11.2013 and 26.11.2013 without any prior permission. Thereafter, he submitted his detailed explanation on 12.12.2013, explaining the reason for his absence. He was also paid salary

for these two days. After receiving his explanation, without conducting any enquiry or personal hearing, the impugned order is passed imposing the punishment of withholding the increment for six months without cumulative effect. Therefore, this petition has been filed.

3. In response, the learned Special Government Pleader appearing for the respondents submits that there was an important meeting held on 25.11.2013. The Government had asked the Patta Transfer particulars to the District Revenue Officer by 22.11.2013 in E-mail. Due to the petitioner's negligence, it was sent in the evening on 23.11.2013. He has to co-ordinate with the Collector to convene the patta transfer review meeting being conducted on every Monday. However, he went on leave from 25.11.2013 to 26.11.2013 without obtaining prior permission from his superior Officials. The show cause notice was issued on the ground that the hiccup was caused to the District Administration due to the act of the petitioner. The punishment is only not for obeying the superior officials but also for availing casual leave without obtaining any permission from the superior

officials. Therefore, the impugned order passed by the second respondent is in accordance with law.

4. I have considered the rival submissions made by the learned counsel appearing for the parties and perused the materials placed before this Court.

5. It is not in dispute that the petitioner did not attend the work on 25.11.2013 and 26.11.2013. It is the contention of the petitioner that as per the order of the District Revenue Officer, Ramanathapuram, he attended the office on 23.11.2013 to prepare the draft action plan as to how the petition of transferring the patta has been completed and sent the draft action plan to the Commissioner of Land Administration Chennai. During that time, the sugar level of the petitioner had gone low. Hence, he had applied for leave on 25.11.2013 and 26.11.2013 and informed the Deputy Collector/in-charge of the Collector and submitted his leave application in the Tapal Section. This contention of the petitioner was refuted by the learned Special

Government Pleader that the Deputy Collector, who was in-charge of Personnel Assistant to Collector, has given a statement that the petitioner has not informed his leave. Since there were contra positions with regard to the application submitted for causal leave and prior intimation given to superior officials, this Court directed the learned Special Government Pleader to produce Attendance Register. Accordingly, the Attendance Register is produced along with concerned files.

6. A perusal of the Attendance Register shows that the petitioner was on casual leave from 25.11.2013 to 26.11.2013 and the letter has been submitted by the petitioner on 23.11.2013 seeking casual leave. There is also an endorsement made with regard to the number of casual leaves entitled to the petitioner, casual leaves availed by him and remaining casual leave to his credit etc., However, this Court finds that the reason stated in the casual leave application and the explanation offered by the petitioner to the show cause notice for applying the casual leave are totally different. In the casual leave application, the petitioner has stated that he wanted to go to

Chennai in connection with his personal work and therefore, he took two days leave from 25.11.2013 to 26.11.2013. However, he gave explanation to the show cause notice stating that while he was working on 23.11.2013 in the office, his sugar level had gone down and he was physically affected. Hence, he was required two days leave for medical treatment.

7. It is clear and crystal from the records that the petitioner had given two different reasons for applying casual leave. Even if it is a casual leave, the Government servant, when he was dealing with important files, is expected to avail the casual leave after it has been granted by the appropriate authority. In this case, the petitioner, after applying leave for going to Chennai, has not waited for sanction of leave and he proceeded on leave from 25.11.2013 to 26.11.2013, without bothering about the important meeting scheduled to be held on 25.11.2013. He had given a false reason for going on leave in his reply to show cause notice. Therefore, this Court finds that the punishment imposed against the petitioner for the misconduct committed by him is just and proper.

8. In that view of the matter, this Court finds no merit in this Writ Petition and it is liable to be dismissed. Accordingly, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

18.07.2022

Index : Yes / No
Speaking Order : Yes / No

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G.CHANDRASEKHARAN, J.

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