



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.01.2022

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P. (MD)No.5201 of 2015

and

M.P. (MD)No.2 of 2015

WEB COPY

A.Akbar Ali

... Petitioner

vs.

1.The District Collector,
Office of the District Collector,
Pudukkottai District, Pudukkottai.

2.The Block Development Officer (B.Pts),
Viralimalai Panchayat Union,
Viralimalai, Pudukkottai District.

3.The Project Officer,
District Rural Development Agency,
Backside to New Bus Stand,
Pudukkottai, Pudukkottai District.

... Respondents

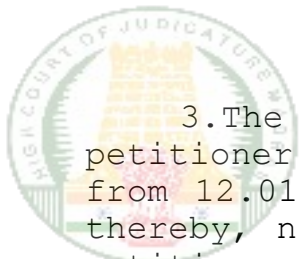
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records relating the impugned order passed by the second respondent in his proceedings in Na.Ka.A1/14/2015, dated 16.03.2015 and to quash the same as illegal.

For Petitioner : Mr.Mohammed Imran
for M/s.Ajmal Associates
For R1 and R3 : Mr.J.K.Jayaseelan
Government Advocate
For R2 : No appearance

O R D E R

This Writ Petition is filed for issuance of a Writ of Certiorari, to call for the records relating the impugned order passed by the second respondent in his proceedings in Na.Ka.A1/14/2015, dated 16.03.2015 and to quash the same as illegal.

2.The petitioner is working as Overseer in the second respondent Office through impugned proceedings. The petitioner was relieved from service. The impugned order states that the petitioner was on leave without informing for two days. The second respondent while relieving the petitioner had not sought for any explanation nor issued any notice for explanation prior to the impugned order. Aggrieved over this communication, the petitioner has filed this Writ Petition.



3.The respondents have filed counter affidavit stating that the petitioner was appointed as Overseer at the second respondent Office from 12.01.2007 and the petitioner has a habit of insubordination, thereby, not obeying the orders of the higher officials. When the petitioner was working, certain allegations were raised against him and as consequences, charge memo was issued and he was imposed with a punishment of stoppage of increment for three months with cumulative effect. When the petitioner was working in Viralimalai Panchayat, he was under unauthorized absence from 15.04.2010 to 03.05.2015. Thereafter, a charge memo was issued on 12.03.2013 and a punishment of stoppage of increment for one year with cumulative effect was imposed. When the Panchayat Manager had inspected the Viralimalai village Panchayat on 09.07.2014, the respondents reprimanded the concerned Officer for not complying the integrated School infrastructure upliftment scheme projects on the years 2011-2012 and 2012-2013. When the respondents conducted a meeting for giving instructions to the Overseer, vide proceedings, dated 24.07.2014, the petitioner was relieved from the post. Since the petitioner rendered an apology, he was once again allowed to rejoin the post at Viralimalai Panchayat Union, vide order, dated 15.10.2014. When the Project Director, Mahatma Gandhi National Rural Employment Scheme had conducted a meeting at the first respondent Office on 15.03.2015, for reviewing the work for the year 2014-2015, the first respondent had advised the Overseer to prepare the list of daily wage employees. But, the petitioner without following the order of the first respondent failed to prepare the list and he has absented himself for two days i.e. on 13.03.2015 and 14.03.2015. Hence, the petitioner was relieved from the post on 16.03.2015.

4.It was also stated in the counter affidavit that on 17.03.2015, a person claimed to be brother of the petitioner by using the phone had threatened the Viralimalai Panchayat Union Office. Since his brother was relieved from the Office, he was going to commit suicide and if that happened, the dead body will be placed before the Union Office. Hence, the Block Development Officer of Viralimalai Panchayat Union, vide letter, dated 18.03.2015, preferred a complaint before the Inspector of Police, Viralimalai Panchayat Station. The attitude of the petitioner regarding the development works was not satisfactory and the petitioner was having a habit of lethargic and insubordination to the superior Officers. Hence, he brought disreputation to the Government schemes meant for the poor. Since he was not cooperating to execute the schemes for the benefit of the public, there was chaos and confusion prevailing in many departmental work which were carried out under the State scheme and Union scheme. In spite of repeated warnings and reprieves, the petitioner had not chosen to set things right and hence, in the larger interest of the Government, he was relieved from Office on 16.03.2015. So, the counter affidavit says that the impugned order has no illegality or



5. When the case was taken up for hearing, the learned Counsel appearing for the petitioner submitted that the impugned order is bad, since it is not passed by following any principles of natural justice. The contention of the petitioner is that the petitioner had not absented himself on the 13.03.2015 and 14.03.2015. The counter states that the petitioner is habitual committing mistakes, inspite of so many warnings, chances the petitioner has not mend his ways. On perusing the counter this Court of the considered opinion that the petitioner is spoiling the work atmosphere also and it is affecting the other employees also. Therefore, this Court is not inclined to grant any relief to the petitioner.

6. Hence the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Deputy Registrar (A/c)

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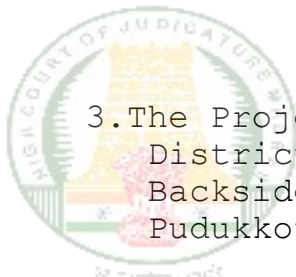
Sub Assistant Registrar(CS)

Tmg

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,
Office of the District Collector,
Pudukkottai District,
Pudukkottai.
2. The Block Development Officer (B.Pts),
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Viralimalai,
Pudukkottai District.



3.The Project Officer,
District Rural Development Agency,
Backside to New Bus Stand,
Pudukkottai, Pudukkottai District.

+1 CC to M/s.MOHAMMED IMRAN (AJMAL ASSOCIATES), Advocate
(SR-2202[F] dated 24/01/2022)

+1 CC to M/s.SPL.GP (SR-2381[F] dated 25/01/2022)

W.P. (MD)No.5201 of 2015
21.01.2022

NSN(CO)

GC(25.02.2022) 4P 6C