

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI
AND

THE HON'BLE SRI JUSTICE K. SARATH

Writ Petition No.25121 of 2008

ORDER : *(Per Hon'ble Justice Abhinand Kumar Shavili)*

When the matter is taken up for hearing, learned Government Pleader for Services-I appearing for the petitioners has contended that the respondent was worked as Assistant Textile Designer and the Disciplinary Authority had initiated disciplinary proceedings against the respondent alleging that he has failed to report duty after relieving from power loom service sector from 08-10-2002 and absconded from duties and after conducting detailed inquiry, the Disciplinary Authority has imposed a major penalty of removal from service vide orders dated 08-10-2005. Aggrieved by the said orders, the respondent has filed O.A.No.5798 of 2006 before the Tribunal and the Tribunal vide orders dated 10-09-2008 was pleased to set aside the orders of removal on the ground that the respondent was removed from un-authorized absence and that was not the charge levelled against the

::2::

respondent and gave liberty to the petitioners to initiate appropriate disciplinary proceedings against the respondent and direct the period of removal to that of the orders passed by the Tribunal has to be treated as “on duty”. However, the Tribunal has erroneously directed the petitioners to pay Rs.50,000/- to the respondent without their being any adjudication. Learned Government Pleader has further informed the Court that this Court was pleased to grant interim suspension with regard to payment of Rs.50,000/- to the respondent vide orders dated 05-11-2008 and the respondent was reinstated into service and he also retired from service after attaining the age of superannuation. It is also contended that the only issue remained is for consideration with regard to awarding of Rs.50,000/- to the respondent by the Tribunal and the Tribunal without being any adjudication, erroneously directed the petitioner to pay Rs.50,000/- to the respondent, therefore, only to that extent the writ petition may be set aside.

::3::

Learned counsel appearing for the respondent has also contended that the respondent was reinstated into service and he has retired from service after attaining the age of superannuation.

A perusal of the record discloses that the Tribunal has never adjudicated nor given any cogent reasons before granting Rs.50,000/- to the respondent.

With this observations, the writ petition is disposed of setting aside the order of O.A.No.5798 of 2006 dated 10-09-2008 only to the extent granting of Rs.50,000/- to the respondents and the other observations shall remain un-altered. No costs.

As a sequel, miscellaneous applications pending if any in this Writ Petition, shall stand closed.

ABHINAND KUMAR SHAVILI, J

K. SARATH, J

August 29, 2022

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(Per Hon'ble Justice Abhinand Kumar Shavili)

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