



W.P.No.21776 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2023

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.21776 of 2013

S.Faiyaz Ahmed

.. Petitioner

Versus

Director of Public Health &
Preventive Medicine,
No.159 Anna Salai,
Teynampet,
Chennai - 600 018.

.. Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Certiorari calling for the records of the case in R.No.10288/1/DA/06/S2, dated 21.07.2010 of the respondent herein and quash the same.

For Petitioner : Mr.Mahmud Sheriff

For Respondent : Mr.T.K.Saravanan,
Government Advocate



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ORDER

WEB COPY The Writ Petition is filed challenging the order of the respondent, dated 21.07.2010 made in Ref.No10288/1/DA/06/S2, whereby, the writ petitioner was imposed with a punishment of stoppage of increment cut for a period of one year without any cumulative effect.

2. By a charge memorandum, dated 26.07.2007, as many as 7 charges were levelled against the petitioner relating to not diligently carrying out the duties, unauthorised absence etc. Even though the petitioner submitted an explanation denying the charges, thereafter, when the Enquiry Officer was appointed, he did not participate in the enquiry. In spite of repeated summonses sent by the Enquiry Officer, the petitioner chose to remain *ex parte*. Based on the oral and documentary evidence adduced in the *ex parte* enquiry, the Enquiry Officer considered the charges on merits and held the charges as proved. Thereafter, the Enquiry Report was forwarded to the petitioner and his explanation was sought for. Thereafter, the impugned order, dated 21.07.2010 came to be passed.

3. The petitioner did not file any appeal even though an appeal remedy is available and instead, chose to file the present Writ Petition.



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Even in the present Writ Petition, there are two grounds which are raised by the petitioner in the affidavit filed in support of the Writ Petition. Firstly, it is his submission that the charges are vague. On a perusal of the charges, it is seen that except for charge No.1, in respect of the other charges regarding unauthorised absence etc., specific particulars have been given and therefore, this Court is unable to agree with the submission of the petitioner that all the charges are vague. The petitioner chose to remain *ex parte* and did not even participate in the enquiry proceedings and by a bald averment, he is now terming the charges as vague.

4. The second contention made by the petitioner is that owing to his family circumstances, he was absent on certain days and the same ought to have been taken into account and without considering it in a vindictive manner, the order has been passed. In respect of this contention, firstly, it can be seen that he did not participate in the enquiry and secondly, a punishment in the nature of one increment cut without cumulative effect is only passed. Therefore, I am unable to agree with any of the contentions made in the affidavit filed in support of the Writ Petition.



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costs.

5. Finding no merits, this Writ Petition shall stand dismissed. No

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Index : yes
Speaking order
Neutral Citation : no
grs

To

The Director of Public Health &
Preventive Medicine,
No.159 Anna Salai,
Teynampet,
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D.BHARATHA CHAKRAVARTHY, J.

grs

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