



WEB COPY



W.A.No.3538 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 22.12.2023

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THE HONOURABLE Mr.JUSTICE R.MAHADEVAN
AND
THE HONOURABLE Mr.JUSTICE MOHAMMED SHAFFIQ

W.A.No.3538 of 2023
and C.M.P.No.28907 of 2023

- 1.The Principal Secretary/Commissioner of
Treasuries and Accounts,
No.9, Jones Road, Anna Nagar Street,
Saidapet- 600 015.
- 2.The Additional Director of Treasuries and
Accounts (Administration),
Office of the Commissioner of Treasuries and Accounts,
Amma Complex 3rd Floor, Anna Salai,
Nandanam, Chennai- 600 035.
- 3.The Superintendent of Police (North Region),
CBCID, Chennai.
- 4.The Treasury Officer,
District Treasury Office,
Thiruvallur District, Thiruvallur.
- 5.The Assistant Treasury Officer
Uthukottai Treasury Office,
Thiruvallur District.



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6.The Sub Treasury Officer
Avadi, Thiruvallur District.

.. Appellants

Vs.

A.Bhavani
W/o.Elango, No.158, 6th Street,
Uzhaippaalar Nagar, Pattabiram,
Chennai- 600 072.

.. Respondent

Writ Appeal filed under Clause 15 of the Letters Patent, against the order dated 20.07.2022 passed in W.P.No.18311 of 2022 on the file of this Court.

For Appellants : Mr.S.Silambannan
Additional Advocate General
assisted by Mrs.S.Anitha
Special Government Pleader

For Respondent : Mr.Ka.Prabaharan

JUDGMENT

[Judgment of the court was delivered by R.MAHADEVAN, J.]

This writ appeal has been filed against the order passed by the learned Judge in W.P.No. 18311 of 2022 on 20.07.2022.



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2.The necessary facts leading to the filing of this writ appeal are that pursuant to the Memorandum dated 15.08.2018 issued by the Tamil Nadu Public Service Commission, the respondent was appointed to the post of Accountant in Pay and Accounts Office (North), Collectorate, Chennai, and she joined the service on 03.12.2018 in the office of the sixth appellant. While so, she went on leave from 31.01.2020 without any prior intimation. After a lapse of nearly three and half months, the respondent submitted a medical certificate which is against Rule 18 of the Fundamental Rules of the Tamil Nadu Government. The leave application was not accepted by the appellant authorities and the respondent was directed to report to duty. Despite several communications, the respondent, instead of reporting for duty, gave letters for extension of medical leave. Further, the respondent suppressed the fact that she was arrested and granted bail on her own security in connection with the case involved in malpractice in securing appointment in the posts included in Group-IIA. Therefore, disciplinary action was initiated against her. While that being so, the respondent filed a writ petition in W.P.No.18311 of 2022 seeking a direction to the first appellant to permit her to join the service as Accountant in the office of the



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fourth appellant. By order dated 20.07.2022, the learned Judge disposed of the said writ petition, in the following terms:

"8. Accordingly, it is ordered as follows:

i) The first respondent is directed to permit the petitioner to join duty in the office of the fourth respondent.

ii) It is for the respondents to initiate appropriate action against the petitioner, as contemplated under the Rules, including placing the petitioner under suspension.

iii) As far as the arrears of salary is concerned, the petitioner is directed to make a request before the authorities concerned, as sought for in the writ miscellaneous petition."

Aggrieved by the aforesaid order of the learned Judge, the present appeal has been preferred by the appellants herein.

3.Today, when the matter was taken up for consideration, the learned Additional Advocate General appearing for the appellants submitted that for the charge of unauthorised absence, departmental action has been initiated and enquiry has been completed and that, the authorities concerned are now proceeding to pass orders on the basis of the enquiry conducted.

4.In view of the above submissions made on the side of the appellants, this court is of the opinion that nothing remains to be done, except directing the authorities concerned to pass appropriate orders, with



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regard to the enquiry conducted against the respondent, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

5. With the aforesaid direction, this writ appeal stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[R.M.D., J.] [M.S.Q., J.]
22.12.2023

Index: Yes / No
Speaking order/ Non-speaking order
Neutral Citation: Yes / No
nsd

To

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5.The Assistant Treasury Officer
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