



WEB COPY



WP.No.6518 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2023

CORAM

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

WP.No.6518 of 2022

K.Chandramouli

.. Petitioner

Versus

1.The Additional Secretary to Government
Housing and Urban Development and
Department, Secretariat
Chennai – 600 009

2.The Managing Director
Tamil Nadu Housing Board
CMPA Building, Market Road
Koyambedu, Chennai – 600 107

3.The Principal Secretary to Government
Housing and Urban Development and
Department, Secretariat
Chennai – 600 009

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing to call for the records in proceedings D.C.No.6/352/2006 dated 23.10.2007 on the file of 2nd respondent and letter No. 2426/HB1 C21/2019-5 dated 9.07.2019 on the file of and letter No. D.C.No.6/13846/2018 dated 1.08.2018 on the file 1st respondent to quash the same and further direct the respondents to reinstate petitioner in service as junior draught officer under 2nd respondent with all back wages and service benefit.

For Petitioner	: Dr.G.Krishnamurthy
For Respondents	: Mr.P.Baladhandayutham for R1 & 3 Special Government Pleader Mr.D.Veerasekaran for R3



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ORDER

This writ petition has been filed challenging the petitioner's dismissal from service.

2. The charges against the petitioner are that while he was working as Junior Draughting Officer, he has applied medical leave in piece-meal from 14.02.2005 to 26.06.2005 and unauthorised absence from 27.06.2005 to 02.01.2006 and has not submitted any leave application. Further, he has not attended the Medical Board, TNHB, Tirunelveli Medical College Hospital on 16.05.2005 and also before the Medical Board of Government Stanley Hospital, Chennai on 03.10.2005, 10.10.2005 and 24.10.2005 for the Medical leave applied by him.

3. The disciplinary authority found that though the stand of the petitioner that due to medical ground, he could not appear before the Medical Board, the petitioner has not produced any medical certificate for the surgery he underwent.

4. The learned counsel for the petitioner would submit that the punishment of dismissal from service is excess and not proportionate to the charges and the same may be converted to any other minor punishment. The



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learned counsel for the respondent submitted that any orders passed by this Court, the Housing Board will accept it.

5. Heard both sides and perused the materials placed on record. The very charges against the petitioner are that he was unauthorisedly absent from 27.06.2005 to 02.01.2006 and had not attended the Medical Boards on 16.05.2005, 03.10.2005, 10.10.2005 and 24.10.2005. The defence of the petitioner in the disciplinary proceedings is he has underwent surgery, however, he has not produced any documents in this regard. Considering the nature of the charges, this Court is of the view that the punishment of dismissal from service is excess and not proportionate to the charges.

6. Such view of the matter, this Court is inclined to modify the same into punishment of compulsory retirement as per the TNHB SR, 1969. Accordingly, the punishment of dismissal from service is modified to the compulsory retirement. With the above, this writ petition stands disposed of. No costs.

11.09.2023

dhk

Neutral Citation: Yes/No

N.SATHISH KUMAR, J.



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