



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 20.11.2023**

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**THE HONOURABLE MS.JUSTICE R.N.MANJULA**

**W.P.No.7002 of 2020**

A.Durairaj

... Petitioner

Vs.

The Commissioner,  
Tambaram Municipality,  
Tambaram,  
Chennai – 600 045.

... Respondent

**Prayer:** Writ Petition has been filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the Commissioner, Tambaram Municipality to permit the petitioner to rejoin duty based on the joining report submitted by the petitioner dated 22.12.2010 in the light of the recommendation of the Medical Board and to pass orders on the representation made by the petitioner dated 22.12.2017.

For Petitioner

: Ms.N.Lakshmi Priya  
For M/s.S.A.Ravichandran

For Respondent

: Mr.P.Srinivas  
Standing Counsel



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W.P.No.7002 of



## **ORDER**

The relief sought for in the present writ petition is to direct the Commissioner, Tambaram Municipality to permit the petitioner to rejoin duty based on the joining report submitted by the petitioner dated 22.12.2010 in the light of the recommendation of the Medical Board and to pass orders on the representation made by the petitioner dated 22.12.2017.

2. The petitioner was absent from 09.10.2007 to 09.03.2008 for about 153 days. Again extended from 10.03.2008 to 19.08.2008 for 163 days. He has applied for Medical Leave by attaching medical certificate, but his leave was not sanctioned and that has been rejected. When he went to join duty on 20.08.2008, he was not allowed to join and has referred to Medical Board. As per the report of the Medical Board, he went to join duty on 23.12.2010, but he was not permitted to join duty. The disciplinary proceedings were initiated against him, despite the petitioner submitted his explanation as early as on 22.12.2017. Thereafter, no order has been passed and hence, he has filed the present writ petition seeking direction to the respondent to permit him to join duty and treat the entire period from 22.12.2010, the date on which the Medical Board has given a report to join duty period and conclude the



disciplinary proceedings within the fixed time limit.

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3. The learned Standing Counsel appearing on behalf of the respondent submitted that when the petitioner was sent to the Medical Board, the Medical Board examined the petitioner and sent a report stating that there was no proof submitted by the petitioner for having taken medical leave during his absence. Hence disciplinary proceedings have been initiated against the petitioner by framing charges. Final orders has also been passed by removing the petitioner from service and he is not entitled for any benefits.

4. As per the submission made by the learned Standing Counsel for the respondent, final order has been served on the petitioner on 27.11.2020 itself. He had received it by attaching a signature. However, it is claimed by the learned counsel for the petitioner is that the removal order has not been served on him.

5. Since the disciplinary proceedings have culminated into punishment of removal of service, the relief sought for by the petitioner has become



infructuous. However, it is up to the petitioner to challenge the order of removal, if he is so advised.

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6. Accordingly, this Writ Petition stands dismissed as infructuous. No costs.

**20.11.2023**

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

To

The Commissioner,  
Tambaram Municipality,  
Tambaram,  
Chennai – 600 045.



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**R.N.MANJULA, J.**

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**20.11.2023**