



W.P.No.12402 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2023

CORAM

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

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S.Om Prabhu

... Petitioner

Vs.

1.The Joint Secretary to Government of Tamil Nadu  
Law Department,  
Fort St George,  
Chennai 600 009.

2.The Under Secretary to Government of Tamil Nadu,  
Law Department,  
Fort St George,  
Chennai 600 009.

... Respondents

**Prayer:** Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the order of the first respondent in proceeding No.151/ANM-IV/2019 dated 10.05.2019 and quash the same and consequently direct the respondents to reinstate the petitioner in service with all consequential benefits to the petitioner.



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For Petitioner : Ms.S.Sithara

For Respondents : Mr.S.Silambanan, Addl. Advocate General  
Assisted by Mr.P.Sanjai Gandhi  
Government Advocate

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**ORDER**

This Writ Petition has been filed seeking for an issuance of a Writ of a Writ of Certiorarified Mandamus, to call for the records relating to the order of the first respondent in proceeding No.151/ANM-IV/2019 dated 10.05.2019 and quash the same and consequently direct the respondents to reinstate the petitioner in service with all consequential benefits to the petitioner.

2. Heard Ms.S.Sithara, learned counsel for the petitioner and Mr.S.Silambanan, learned Additional Advocate General for the respondents.

3. The petitioner has been dismissed from service in view of the disciplinary proceedings initiated against him. His services were terminated in the year 2012. The petitioner has challenged the same by preferring an appeal. The said appeal has also been dismissed in the year



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2015. Now the grievance of the petitioner is that the enquiry has not been conducted in a proper manner after causing a long delay and for the allegation of unauthorised absence, 17(b) charges have been given instead of 17(a). No witness was examined and no evidence was recorded.

4. The learned Additional Advocate General for the respondents submitted that the petitioner was a chronic absentee and in the charge itself it is stated that he was absent for 1678 days. In the appeal preferred by the petitioner, he did not state that the disciplinary proceedings have been conducted in any improper manner. The petitioner who was in the habit of keeping himself absent to office without any explanation, has caused great inconvenience to the administration.

5. On perusal of the records, it is seen that the Enquiry Officer has recorded that the delinquent was not willing to verify the file on record with regard to the charges leveled against him and he has given a statement by accepting the charges. Under such circumstances, the



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petitioner cannot all of a sudden raise a ground that the enquiry was not conducted properly and the witnesses were not examined. Only because the enquiry has been conducted in the manner known to law, the petitioner has not made any allegation against the Enquiry Officer or the mode of enquiry. Having accepted the charges, the petitioner seems to have got a second thought and now raised the grounds and the same cannot be countenanced.

6. However, in the order of the Appellate Authority, the Appellate Authority has confirmed the order of the Disciplinary Authority only on the ground of delay in filing the appellate proceedings. In the appeal filed by the petitioner also he has not raised any specific grounds for consideration. Under such circumstances, it is difficult to find the order of the Appellate Authority and the Disciplinary Authority as arbitrary and illegal. The primary ground on which the petitioner has filed the appeal is about his health condition due to an accident. That cannot be the ground for the appeal and the petitioner cannot expect the Appellate Authority to consider the medical grounds as a ground to appreciate the merits of the



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order passed by the Disciplinary Authority.

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7. For the above said reasons, this Writ Petition is dismissed. No costs.

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Index : Yes

Internet : Yes/No

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

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To

1.The Deputy Secretary to Government of Tamil Nadu  
Law Department,  
Fort St George,  
Chennai 600 009.

2.The Under Secretary to Government of Tamil Nadu,  
Law Department,  
Fort St George,  
Chennai 600 009.

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