



WEB COPY



W.P.No.1094 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.08.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.1094 of 2020

M.G.Ubayadullah

... Petitioner

Vs.

- 1.The Chairman,
Chennai Port Trust,
Rajaji Salai, Chennai 600 001
- 2.The Financial Advisor and Chief Accounts Officer,
(Disciplinary Authority)
Administrative Office,
Chennai Port Trust,
Rajaji Salai, Chennai 600 001

... Respondents

PRAYER:

Writ Petition is filed under Article 226 of Constitution of India praying to issue a Writ of Certiorari calling for the records on the file of the second respondent in Estt (R) 2/Dis.677/2008/A dated 04.10.2008 and quash the same and direct the second respondent to reinstate the petitioner into service with backwages and grant all monetary benefits and continuity of service.

For Petitioner : M/s.Thenmozhi Shivaperumal



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For Respondents : Mr.S.Haja Mohideen Gisthi,
Standing Counsel

ORDER

This writ petition has been filed challenging the order dated 04.10.2008 on the file of the second respondent thereby dismissed the petitioner from service.

2. The petitioner was appointed as Attender in the first respondent's Office on 02.03.1983. Thereafter, due to his family circumstances, the petitioner was unauthorisedly absent from service. The petitioner was imposed punishment on various occasions including termination of service. However, on sympathetic ground, the petitioner was reinstated into service and once again the petitioner was absent from service. Therefore, charge sheet was served on the petitioner and after due enquiry, the petitioner was dismissed from service.

3. The learned counsel appearing for the petitioner would submit that the order of dismissal was already challenged before this Court in WP.No.34749 of 2019 and the same was dismissed as withdrawn with liberty to file a fresh writ petition with a better affidavit



to explain the delay.

4. It is seen that the order of dismissal was passed on 04.10.2008, whereas the petitioner filed writ petition only on 16.12.2019. Even in the present writ petition, though the petitioner stated in paragraph 20 that the petitioner approached one advocate and subsequently he died. Thereafter, the petitioner could not able to trace out the bundle and engage another counsel. Therefore there was a delay. But the petitioner did not even whisper about when the petitioner approached the counsel and when the said advocate died and when he came to understand about his demise. As per the affidavit, the said advocate died in the year 2017. Therefore, there was huge delay in challenging the order of dismissal dated 04.10.2008. There is absolutely no explanation for the huge delay. That apart, the petitioner was absent unauthorisedly from 23.09.1990 to 26.08.1993 at about 518 days. Immediately after conducting enquiry, the petitioner was discharged from service with effect from 25.02.1993. However, the first respondent had taken lenient view and modified the punishment as 'stoppage of two increments for two years with cumulative effect and also with a warning that if he repeats the same offence, he will



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be discharged from service. That apart, the petitioner was duly served charge memo and he was given opportunity of hearing. Therefore, there is no question of violation of principles of natural justice

5. In view of the above, this writ petition is devoid of merits and the same is liable to be dismissed. Accordingly, this writ petition is dismissed. There shall be no order as to costs.

27.08.2024

Neutral citation: Yes/No
Index: Yes/No
Speaking/Non-speaking order
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G.K.ILANTHIRAIYAN, J.

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