



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Special Original Jurisdiction)

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Tuesday, the Nineteenth day of November Two Thousand and Twenty Four

PRESENT

The HONOURABLE MR. JUSTICE B.PUGALENDHI

WMP(MD). No.20674 of 2024

in

WP(MD).No.28483 of 2022

G.Ravi Ubal Prakash
S/o Gnanaprakasam,
154/4, Clintons,
Rajakkamangalam Road,
Punnai Nagar,
Nagercoil – 4, Kanyakumari District.
Working as Workshop Instructor (Under Suspension)
Kamaraj Polytechnic College,
Pazhavilai – 629 501,
Kanyakumari District.

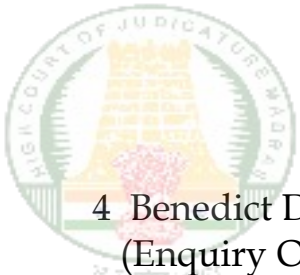
... Petitioner/Petitioner

Vs

1 The Commissioner
Directorate of Technical Education,
53 Sardar Patel Road, Guindy, Chennai 625 025

2 The Correspondent / Secretary,
Kamaraj Polytechnic College ,
Pazhavilai -629 501
Kanyakumari District.

3 The Principal
Kamaraj Polytechnic College
Pazhavilai 629 501
Kanyakumari District.



4 Benedict Dharma Roy
(Enquiry Officer - Disciplinary
Proceedings), District Revenue Officer
(Retired), 11/67-1, Velayuthan Nagar,
Eraniel Road, Thuckalay Post,
Kanyakumari District

... Respondents/Respondents

Prayer in WMP(MD).No.20674 OF 2024:-

This Writ Miscellaneous Petition filed under article 226 of the constitution of India, to condone the delay of 315 days in filing restoration petition against the order dated 05.10.2023 made W.M.P.(MD) No. 22489 of 2022 and 19487 of 2023 in W.P.(MD) No. 28483 of 2022 the above writ miscellaneous petition.

Prayer in WP(MD).No.28483 OF 2022:-

This Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for records in pursuant to the impugned Enquiry Report Vi.A.Na.Ka.No. 1/22 dated 27.10.2022 submitted by the Fourth respondent and quash the same and consequently cancel the Suspension order, direct the respondents to treat the period from 08.09.2021 F.N. to 22.09.2021 F.N. (During which the Third respondent prevented the petitioner from attending College) and the Suspension period from 27.09.2021 F.N. as duty period and grant all service and monetary benefits.



ORDER:- This Writ Miscellaneous Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.G.Karthick, Legal Aid Counsel for the Petitioner and of M/s.P.T.Thiraviam, Government Advocate for Respondent No.1 and Mr.N.Dilip Kumar, Advocate for Respondents No.2 and 3, this Court made the following order:

The petitioner as a party-in-person has filed a writ petition in WP(MD) No.28483 of 2022 before this Court as against the enquiry report, dated 27.10.2022 and the consequent suspension order. When that writ petition was listed for hearing on 04.10.2023, there was no representation and therefore the writ petition was listed on 05.10.2023 under the caption "for dismissal". Even on that day, there was no representation for the petitioner. Therefore, that writ petition was dismissed for default on 05/10/2023.

2. Now, the Petitioner has filed an application to condone the delay of 315 days in filing an application to restore the above writ petition. The petitioner/party- in-person has not taken any valid grounds in the affidavit filed in support of this petition to condone the delay of 315 days. The reasons assigned by this petitioner are extracted as under:-

"I respectfully submit that, in the meantime, my main promotion case bearing No.WA(MD) No.1380 of 2018 has been appeared by Sr.Advocate

<https://www.mhc.tn.gov.in/judis>

P.L.Narayanan was disposed on 27.09.2023 with a direction of filing fresh



writ within a month. On that day he told me comfortable words. Don't worry, I will appear for both cases. Accordingly, I handed over this case bundle and paid filing expenses. But he failed to file both cases within proper time. Hence, all in all I was disappointed in him. Moreover, when I was being appeared part in person. Notification of daily cause list has been come to my mobile. That was also stopped."

3.This Court is not satisfied with the reasons assigned in paragraph no.3 of the affidavit to condone the delay of 315 days in restoring the writ petition.

4.In view of the above, the petitioner was directed to file a better affidavit, assigning proper reasons for the delay of 315 days in filing the restoration application. At this juncture, the petitioner/party in person expressed that he is not in a position to follow up the case regularly.

5.Therefore this court appointed Mr.G.Karthik, Enrol.No.1531/2018, Contact No.94431 13838 as a Legal Aid Counsel to assist this Court in this case.

6.The learned Legal Aid Counsel sought for short pass over. Therefore,

the matter was passed over and it is taken up for hearing in the afternoon session.

<https://www.mhc.tn.gov.in/judis>

The learned Legal Aid Counsel submits that the main writ petition in WP(MD)



No.28483 of 2022 has been filed challenging the enquiry report submitted by the District Revenue Officer, Kanyakumari District. In fact, the District Revenue officer, Kanyakumari has been appointed as an enquiry officer by this Court in WP(MD) No.18619 of 2021, dated 23.03.2022 to conduct the enquiry on the charges framed as against this petitioner. He further submits that the enquiry has already been completed and based on the enquiry report, the punishment has also been imposed on the petitioner, removing him from service on 30.08.2023.

7.In view of the subsequent development that the enquiry contemplated as against this petitioner has already been concluded with the punishment of removal from service on 30.08.2023, this Writ Miscellaneous Petition is dismissed. The petitioner/party-in-person is at liberty to work out his remedy by filing a fresh writ petition challenging the order of removal from service, dated 30.08.2023, if he is so advised.

8.This Court places its appreciation to the learned Legal Aid Counsel, who has effectively assisted this Court, within a short span of time. The Legal Aid Services Authority shall pay a sum of Rs. 15,000/- to the Legal Aid Counsel.

Sd/-

Assistant Registrar(CS I)

// True Copy //

/12/2024

Sub Assistant Registrar
(CS- I/ II / III / IV)



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To:-

- 1) The Commissioner
Directorate of Technical Education,
53 Sardar Patel Road,
Guindy,
Chennai 625 025.
- 2) The Secretary,
Legal Aid Services Authority,
Madurai Bench of Madras High Court,
Madurai.
- 3) Mr.G.Karthick(E.No.1531/2018),
Advocate/Legal Aid Counsel,
Chambers 92, Law Chambers,
Madurai Bench of Madras High Court,
Madurai.

+1 cc to Mr.N.Dilip Kumar, Advocate vide SR No.66843

+1 cc to Special Government Pleader vide SR No.67001.

ORDER DATED : 19/11/2024

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ORDER

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WMP(MD). No.20674 of 2024

in

WP(MD).No.28483 of 2022

Giving direction and etc.

as stated within.

MGJ(02.12.2024) 6P 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023