



W.P.(MD)No.19000 of 2017

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.09.2024

CORAM

THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.19000 of 2017

and

W.M.P.(MD)No.15358 of 2017

R.Mohandas

: Petitioner

Vs.

The Secretary to Government,
Department of Health & Family Welfare,
St. George Fort,
Chennai – 600 009.

: Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus, to call for the records in respect of review order passed in G.O.(D)No.529 dated 09.03.2017 confirming the original order passed in G.O.Ms.No.724 dated 13.06.2008 by respondent and quash the same and consequently direct the respondent to refix the monthly pension and dispose all other monetary benefits to the petitioner.



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For Petitioner : Mr.S.Chellapandian
For Respondent : Mr.S.Kameswaran
Government Advocate

ORDER

This Writ Petition has been filed challenging the order dated 09.03.2017 passed by the respondent confirming the original order dated 13.06.2008.

2.Under the impugned orders, the petitioner has been imposed with a punishment of stoppage of increment with cumulative effect for his unauthorised absence for a period of two years and five months. As seen from the impugned proceedings, originally, the respondent had passed an order dated 13.06.2008, imposing the punishment of stoppage of increment with cumulative effect on the petitioner for his long unauthorised absence. However, for the reasons best known to the petitioner, he has filed a review petition seeking to review the order dated 13.06.2008 with an inordinate delay of 8 years.

3.As seen from the explanation submitted by the petitioner in the disciplinary proceedings initiated against him, the said



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explanation is not satisfactory as proper reasons have not been given by him for his long unauthorised absence. Only due to the same, based on the enquiry report, the respondent has imposed the punishment of stoppage of increment with cumulative effect on the petitioner for a period of one year under the impugned order dated 13.06.2008. There has also been an inordinate delay on the part of the petitioner in filing a review petition and the review petition was filed only on 01.04.2016. Rightly, the respondent has rejected the review petition by its order dated 09.03.2017, which is also impugned in this writ petition, due to the inordinate delay as well as the fact that the petitioner has not given sufficient cause for his long unauthorised absence of two years and five months. Aggrieved by the impugned orders passed by the respondent imposing the aforesaid punishment, this writ petition has been filed.

4.This Court does not find any infirmity in the impugned orders as only based on the evidence available on record before the respondent and before the enquiry officer, the aforesaid punishment was imposed on the petitioner.

5.In the result, there is no merit in this Writ Petition.



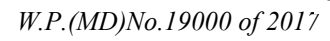
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6.Accordingly, this Writ Petition stands dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

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Index :Yes / No
Internet : Yes / No
NCC : Yes/No
MR



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



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ABDUL QUDDHOSE, J.

MR

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