



WEB COPY

WP No. 9698 of 2019



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-03-2025

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

**WP No. 9698 of 2019
and W.M.P.No.10298 of 2019**

1. R.Gowthaman

Petitioner(s)

Vs

1. The Commandant,
TSP 1st Battalion, Trichy.

2. The Deputy Inspector General of Police,
Armed Police, Trichy – 12.

Respondent(s)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of certiorarified mandamus to call for the records relating to the proceedings of the first respondent issued in NA Ka No.E2/PR No.12/2016 (Rule 17(a) of TNCS (D&A) Rules dated 03.05.2016 and the proceedings of the second respondent issued in C.No.A2/Appeal-32/2016 dated 02.11.2016 and quash the same consequently to direct the first respondent to grant all consequential service and monetary benefits.



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For Petitioner(s): Mr. P.I.Thirumoorthy

For Respondent(s): Mr.T.Chezhiyan
Additional Government Pleader

ORDER

The writ petition has been filed to call for the records relating to the proceedings of the first respondent issued in NA Ka No.E2/PR No.12/2016 (Rule 17(a) of TNCS (D&A) Rules dated 03.05.2016 and the proceedings of the second respondent issued in C.No.A2/Appeal-32/2016 dated 02.11.2016 and quash the same and consequently to direct the first respondent to grant all consequential service and monetary benefits.

2. The petitioner availed his eligible medical leave for 86 days with effect from 02.03.2016. A charge memo has been given to the petitioner on 17.03.2016 on the allegation that he was in the habit of going on medical leave frequently. The petitioner had given his explanation on 30.3.2016. Without accepting his explanation, he has been imposed with the punishment of stoppage of one year increment without cumulative effect and treating the leave period as “loss of pay”. The appeal preferred by the petitioner also got dismissed. Aggrieved over which, the petitioner has filed this writ petition.



3. The learned counsel for the petitioner submitted that as per the Government Order in G.O.Ms.No.414 Personnel and Administrative Reforms Department, dated 17.07.1989, if a Government servant gives leave for three days without prior intimation, half a day Casual Leave will be deducted from his leave account and for three days leave without prior intimation will be considered as one day Casual Leave.

4. As per the above Government Order, a person can get permission to come late either in morning or evening only twice in a month. If the person is in the habit of taking the above permission continuously for more than two months, then disciplinary action can be initiated against him.

5. The records would show that the petitioner is in a habit of taking frequent permissions for more than two months. If a person avails late permission in a month that shall be considered as 1/2 day C.L. He had exceeded three late permission which would mean to one day cut in C.L. The petitioner has been coming late to office several days in a month without permission. Such a habit of the petitioner is noticed for more than two months and that is the reason why action has been initiated against him and the impugned order has been passed.



6. The learned counsel for the petitioner submitted that if the petitioner comes in late that can be deducted against his available C.L. but punishment cannot be imposed. The petitioner cannot make this as a matter of right and it always lies within the discretion of the respondent. It is up to the petitioner to file a revision petition against the order passed by the respondents, if he is so advised.

7. In the result the writ petition is disposed by granting liberty to the petitioner to file any revision petition before the appropriate forum. No costs. Connected miscellaneous petition is closed.

17-3-2025

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

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R.N.MANJULA J.

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