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W.P.No.19819 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

AND

THE HONOURABLE MR.JUSTICE G. ARUL MURUGAN

Writ Petition No. 19819 of 2024

R. Manikandan

.. Petitioner

Vs.

1. The Revisionary Authority,
Hon'ble Registrar General,
High Court of Judicature,
High Court Building's, Madras 600 104.

2. The Hon'ble Principal District Judge,
Principal District Court,
Salem 636 007.

3. The I Additional Sub Ordinate Judge,
Salem.

4. The Hon'ble Subordinate Judge,
Subordinate Judge Court,
Sankari Taluk & Post,
Salem District, Pin Code – 637 301.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to first respondent dated 02.02.2024 in ROC No.121627/2023/C1 and ROC No.46140/2022/C1 dated 19.09.2023 by confirming the order of 2nd respondent in ROC No.9747/2020 dated 17.03.2022 and quash the same and consequentially issue direction directing the 2nd respondent to reinstate the petitioner in service with all service benefits in accordance with law.

For Petitioner : Mr.R.Marudhachalamurthy

For Respondents : Mr. S.Arjun Suresh

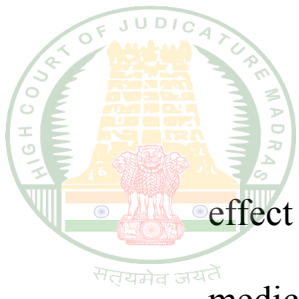
ORDER

(Order of the Court was delivered by R.SUBRAMANIAN, J.)

We do not see any reason to interfere with the proceedings of the learned District Judge.

2. The petitioner, who was a compassionate appointee, joined the services in the Judiciary on 27.05.2015. He was transferred to Sankari with

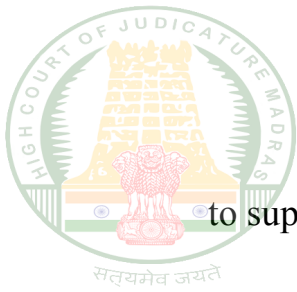
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effect from 21.06.2018. In July 2018, he applied for unearned leave on medical certificate for 30 days. On a reference to the Medical Board, it was found that the treatment required only 15 days leave. So 15 days leave was granted and the remaining 15 days was treated as leave on loss of pay. However, the petitioner did not join even on 31.07.2018, he stayed at home from 01.08.2018 to 03.03.2020 and he was satisfied sending leave applications which were rejected consistently. Because of his long absence, the work in the Court was severely affected.

3. Charges were framed against the petitioner and the disciplinary enquiry was conducted, the petitioner did not appear before the Enquiry Officer. So the Enquiry Officer found that he is guilty of the charges on the evidence that was available which are basically records which demonstrated that the petitioner has been content with sending leave applications and not bothering to join duty even when the leave applications were rejected. The total number of days, the petitioner were absent works out to 603. Taking note of his habitual absenteeism, the District Judge had imposed the punishment of removal from service. Though, the learned counsel for the petitioner would contend that the removal from service is bad, he is unable



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to support his contention with any material.

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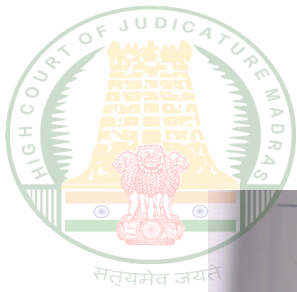
4. The following Tabular Column would show the recklessness of the petitioner in attending duty.

proceedings the delinquent had not turned to duty from 02.07.2018 to 03.08.2020
(609 days) as detailed below:

He was transferred from Sub Court, Mettur and joined duty at Sub Court, Sankari on 26.06.2018.

Leave Applied	No. of days	Action taken	Remarks
From 02.07.2018 to 31.07.2018. Applied for Unearned Leave on Medical Certificate	30 days	15 days only granted as per recommendation of Medical Board and the remaining	The Medical Leave application was forwarded to the Medical Board and they recommended only 15

22/5/15
21/6/18
Sankari



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		period from 17.07.2018 to 31.07.2018 was treated as leave on loss of pay.	days leave is enough for the treatment. Therefore from 02.07.2018 to 16.07.2018 was treated as Unearned Leave on Medical Certificate on the remaining period from 17.07.2018 as treated as leave on loss of pay as per the order of the Subordinate Judge, Sankari.
From 01.08.2018 to 23.08.2018. Applied for Unearned Leave on Medical Certificate.	23 days	Leave application was rejected and treated as loss of pay.	The leave application for Unearned Leave on Medical Certificate for 23 days from 01.08.2018 to 23.08.2018 was rejected by the Subordinate Judge, Sankari and the same was treated as loss of pay.
From 24.08.2018 to 31.08.2018. Applied for Earned Leave.	8 days	Leave application was rejected and treated as loss of pay.	The leave application for Earned leave for 8 days from 24.08.2018 to 31.08.2018 was rejected by Subordinate Judge, Sankari and the same was treated as loss of pay.
From 01.09.2018 to 29.11.2018. Applied for Unearned Leave on Private Affairs.	90 days	Leave application was rejected and treated as loss of pay.	The leave application for Unearned leave on Private Affairs for 90 days from 01.09.2018 to 29.11.2018 was rejected by Subordinate Judge, Sankari and the same was treated as leave on loss of pay on the basis of "No Work No Pay".

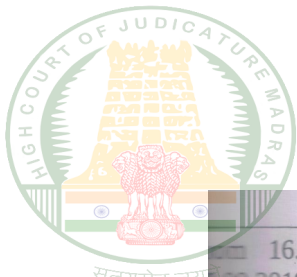


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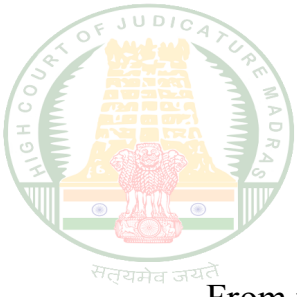
From 30.11.2018 to 15.12.2018. Applied for Earned leave.	16 days	Leave application was rejected and directed to joined duty on the forenoon on 12.12.2018.	The leave application for Earned leave for 16 days from 30.11.2018 to 15.12.2018 was rejected by Subordinate Judge, Sankari and the individual was ordered to joined duty on the forenoon of 12.12.2018 as per Roc.No.1247/2018, dated 11.12.2018 and the same was served to the individual in person and also through Register Post. The individual had not come forward to joined duty after knowing the order of the Presiding Officer.
From 16.12.2018 to 15.06.2019. Applied for leave on loss of pay.	182 days	Leave application was rejected and directed to joined duty on the forenoon on 20.12.2018.	The leave application for loss of pay for 182 days from 16.12.2018 to 15.06.2019 was rejected by Subordinate Judge, Sankari and the individual was ordered to joined duty on the forenoon of 20.12.2018 as per Roc.No.1285/2018, dated 18.12.2018 and the same was served to the individual in person and also through Register Post. The individual had not come forward to joined duty after knowing the order of the Presiding Officer.



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from 16.06.2019 to 30.09.2019. Applied for Leave on loss of	107 days	Leave application was rejected.	The leave application for loss of pay for 107 days from 16.06.2019 to 30.09.2019 was rejected by Subordinate Judge, Sankari.
from 1.10.2019 to 31.12.2019(**) Applied for Leave on loss of pay .	92 days	Leave Application was rejected and ordered to join duty on the forenoon on 04.10.2019.	The leave application for loss of pay for 92 days from 01.10.2019 to 31.12.2019(**) was rejected by Subordinate Judge, Sankari and the individual was ordered to join duty on the forenoon of 04.10.2019 as per Roc.No.923/2019, dated 30.09.2019 and the same was served to the individual in person through his father. The individual had not come forward to joined duty after knowing the order of the Presiding Officer.
from 01.01.2020 to 31.03.2020. Applied for Leave on loss of pay .	91 days	Leave application was rejected.	Leave application was rejected. The individual appeared before the Subordinate Judge, Sankari and informed that he is willing to join duty from 4.03.2020(**) and prays to cancel the leave from 05.03.2020 to 31.03.2020. The request of the individual was accepted and he was permitted to join duty without prejudice to the disciplinary proceeds to be contemplated.



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From the Tabular Column, it could be seen that despite several warnings and rejection of several leave applications, the petitioner has not bothered to return the duty. He has also not bothered to appear before the Enquiry Officer.

5. We therefore do not see any reason to interfere with the punishment imposed, the Writ Petition fails and it is accordingly dismissed. There shall no order as to costs.

(R.SUBRAMANIAN, J.) (G. ARUL MURUGAN, J.)
27.03.2025

jv

Index: Yes/No
Speaking order/Non Speaking order
Neutral Citation: Yes/No



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To

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R.SUBRAMANIAN, J.

and

G. ARUL MURUGAN, J.

(jv)

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