



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-01-2026

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THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

**WP No. 17426 of 2016
& WMP Nos.14896 & 14897 of 2016**

1. C.Ramesh,
S/o.A.Chelladurai
D-3, Vasantham Nagar, Pillayar Koil
Street, Nera LIC Zonal, Piritivivakkam,
Chennai-600 099.

Petitioner(s)

Vs

1. Chief Executive Officer,
(Bangalore Complex), Hindustan
Aeronautics Ltd, Bangalore-560 017

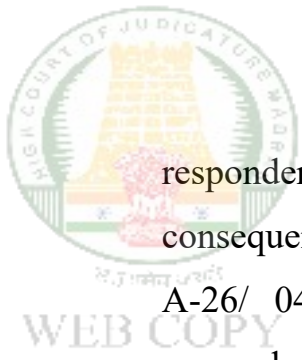
2.General Manager and Disciplinary
Authority,
Hindustan Aeronautics Ltd, Overhaul
Division, Bangalore Complex,
Bangalore-560 017.

3.General Manager and Disciplinary
Authority,
Hindustan Aeronautics Ltd, Overhaul
Division, Air Force Station,
Tambaram

Respondent(s)

PRAYER

This writ petition has been filed seeking for issuance of a Certiorarified Mandamus, to call for the records of the impugned order passed by the 2nd



respondent vide O/ HR/ 531 (a)/ 3049/ 2015 dated 30.09.2015 and the consequential appellate order passed by the 1st respondent vide CEO (BC)/ A-26/ 044/ 2016 dated 11.02.2016 and quash the same and direct the respondents to pay the increment to the petitioner for which he is legally entitled.

For Petitioner(s): Ms.P.Shanthini for
Mr.R.Karthikeyan

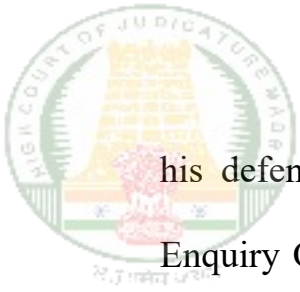
For Respondent(s): Mr.S.Ravi , Sr Advocate for
M/s.Gupta and Ravi

ORDER

The petitioner challenges the order passed by the respondent whereby the punishment of stoppage of one increment with cumulative effect has been imposed under Rule 6(ii)(e) of the HAL CDA Rules, 1984.

2.The petitioner, while working as Engineer, Grade-II at HAL Detachment, Air Force Station, Tambaram Unit, Chennai, was issued with a charge memorandum alleging that he had remained unauthorisedly absent from March 2014 to February 2015. The petitioner submitted his explanation denying the charge, which necessitated initiation of a departmental enquiry.

3. In the departmental enquiry, the management examined P.Ws.1 and 2 and marked documentary evidence. The petitioner participated in the enquiry, examined himself as a witness, and produced medical certificates in support of

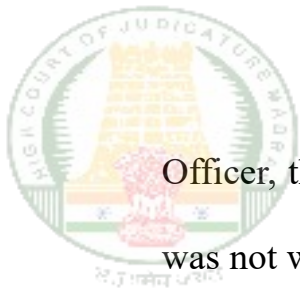


his defence. Upon consideration of the oral and documentary evidence, the Enquiry Officer submitted a report holding that the charge was proved, except for the periods from 04.08.2014 to 07.08.2014 and from 10.11.2014 to 15.11.2014.

4. After receipt of the enquiry report, the disciplinary authority issued a second show cause notice calling upon the petitioner to explain why an appropriate punishment should not be imposed. The petitioner submitted his further explanation denying the findings. Upon consideration of the enquiry report and the explanation submitted, the disciplinary authority passed the impugned order imposing the punishment of stoppage of one increment with cumulative effect. The said order was thereafter confirmed by the appellate authority. Aggrieved by the same, the present writ petition has been filed.

5. The submissions advanced by the learned counsel appearing for both sides and the materials placed on record have been carefully considered.

6. It is not in dispute that, except for the periods from 04.08.2014 to 07.08.2014 and from 10.11.2014 to 15.11.2014, the petitioner had not obtained prior permission from the leave-sanctioning authority. Before the Enquiry



Officer, the petitioner produced medical certificates to contend that his absence was not wilful but occasioned by his illness and also due to the need to attend to his wife, who was undergoing fertility treatment.

7. While the petitioner produced medical certificates to show that he was suffering from acute enteric fever, leave for the period from 10.11.2014 to 15.11.2014 was sanctioned. The petitioner also produced medical certificates relating to his wife's treatment; however, he had neither applied for leave on that ground nor produced cogent evidence to substantiate continuous absence for the remaining period. The Enquiry Officer found that, except for the limited periods referred to above, the petitioner had failed to justify his prolonged absence or establish that the same was involuntary.

8. In the absence of satisfactory evidence, the Enquiry Officer rightly concluded that the petitioner had remained unauthorisedly absent without availing sanctioned leave and that such absence was wilful and deliberate. The findings of the Enquiry Officer are based on the evidence on record. In the absence of any perversity or arbitrariness in the findings, the impugned order passed by the disciplinary authority, as confirmed by the appellate authority, does not warrant interference.



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9. It is also relevant to note that the petitioner was initially dismissed from service for unauthorised absence, which punishment was subsequently modified to stoppage of one increment with cumulative effect.

10. In the aforesaid circumstances, this Court does not find any illegality or infirmity in the impugned order passed by the disciplinary authority and confirmed by the appellate authority.

11. Accordingly, this writ petition is dismissed, and the order passed by the second respondent in O/HR/531(a)/3049/2015 dated 30.09.2015 and the consequential appellate order passed by the first respondent in CEO (BC)/A-26/044/2016 dated 11.02.2016 are hereby confirmed. There shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

05-01-2026

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Index: Yes/No

Neutral Citation: Yes/No



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To

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Aeronautics Ltd, Bangalore-560 017

2.General Manager and Disciplinary
Authority, Hindustan Aeronautics Ltd,
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HEMANT CHANDANGOUDAR, J.
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