



WEB COPY

WP No. 29424 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-01-2026

CORAM

THE HON'BLE MR.JUSTICE HEMANT CHANDANGOUDAR

WP No. 29424 of 2018

J.N.Ashok Kirubakaran
No.144/B, Post Office Street, Sholinghur,
Vellore District-631 102.

..Petitioner(s)

Vs

1. The Secretary to State
Government of TamilNadu, Chepauk,
Chennai - 600 005.
2. The Commissioner
O/o. The Director of Employment and Training,
Guindy,
Chennai 600 032.
3. The Joint Director (Craftsmen Training)
O/o. Employment and Training,
Guindy,
Chennai 600 032.

..Respondent(s)

PRAYER : Certiorarified Mandamus to call for the records of the 2nd Respondent pertaining to the order dated 17.09.2018 and quash the same and consequently direct the respondents to cancel the dismissal order dated 08.12.2017 vide proceeding No.22994/OP/2-2016 passed by the 3rd Respondent and permit the petitioner to rejoin his service.



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For Petitioner(s):

Mr.F.Terry Chella Raja
for Ms.M.Malar

For Respondent(s):

Mr.P.Muthukumar,
Additional Advocate General,
assisted by Mrs.S.Anita,
Special Govt. Pleader.

ORDER

The petitioner challenges the order dated 08.12.2017 passed by the third respondent, by which the petitioner was dismissed from service. The petitioner, while serving as a Junior Training Officer, was issued a charge memo alleging that he had remained unauthorisedly absent. The petitioner submitted his reply to the show cause notice, denying the charges. However, the explanation was found to be unsatisfactory, and a departmental enquiry was initiated against the petitioner.

2. Before the Enquiry Officer, the petitioner appeared and submitted his defence. After conducting the enquiry, the Enquiry Officer came to the conclusion that the charges stood proved. Thereafter, the third respondent issued a second show cause notice, to which the petitioner submitted his explanation, once again denying the charges and also challenging the findings recorded by the Enquiry Officer. Upon considering the explanation submitted by the petitioner, the third respondent held that the charges against the petitioner were proved and passed the order of dismissal from service.



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3. Learned counsel for the petitioner submitted that the enquiry was neither fair nor proper and that the petitioner was not furnished with the enquiry report prior to the passing of the order of dismissal. It was contended that the order of dismissal was, therefore, in violation of the principles of natural justice and was arbitrary, discriminatory, and legally unsustainable.

4. In response, Mr. P. Muthukumar, learned Additional Advocate General appearing for the State, submitted that the petitioner had categorically stated before the Enquiry Officer that he was satisfied with the enquiry conducted. He further submitted that the enquiry report had been furnished to the petitioner along with the second show cause notice and that, after considering the explanation submitted by the petitioner, the third respondent had rightly passed the impugned order. It was also submitted that the findings recorded by the Enquiry Officer were based on the evidence available on record and did not suffer from any perversity or arbitrariness. In such circumstances, the impugned order of dismissal does not warrant interference. Accordingly, he sought dismissal of the Writ Petition.

5. The arguments advanced by the learned counsel for the parties and the materials placed on record have been carefully considered.



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6. The petitioner was appointed as Junior Training Officer with effect from 18.03.2010. During the probationary period, he availed the following leave:

1.	22.03.2010 to 15.04.2010	25 days	Leave on loss of pay with the medical certificate
2.	19.04.2010 to 28.07.2010	101 days	Leave on loss of pay without medical certificate
3.	01.08.2010 to 05.08.2011	--	CTI Training
4.	Earned Leave in the year 2011	15 days	---
5.	The days absented which were regularised as per the leave on loss of pay in the year 2011	44 days	---
6.	The days absented which were regularised as the leave on loss of pay in the year 2012	127 days	---

Further, from 27.08.2012 till the issuance of the charge memo, the petitioner remained unauthorisedly absent. The charge memo is dated 13.10.2016. Before the Enquiry Officer, the petitioner, in order to substantiate his contention that the unauthorised absence was not due to wilful negligence but was on account of medical reasons, produced certain medical certificates. However, the said medical certificates were disbelieved by the Enquiry Officer. Further, though the petitioner was afforded sufficient opportunity, he did not appear before the Medical Board for assessment of the alleged disability said to have been



sustained due to accidental injuries. Before the Enquiry Officer, the petitioner categorically admitted that the enquiry conducted was fair and proper.

Thereafter, the Enquiry Officer submitted a report holding that the charges against the petitioner were proved.

7. The learned Additional Advocate General has placed on record the original file pertaining to the enquiry proceedings and the show cause notice.

8. In his further explanation to the show cause notice, the petitioner has categorically admitted that he was served with the enquiry report. Therefore, the contention raised by the petitioner that the enquiry report was not served on him is misplaced and is accordingly rejected. The disciplinary authority, after considering the enquiry report and the further explanation submitted by the petitioner, has categorically stated that the explanation of the petitioner, namely, that he was unwell and had undergone surgery and was therefore unable to report for duty, was not acceptable, as the same was not substantiated by any cogent evidence. The disciplinary authority also observed that the petitioner had not completed his probationary period and that he had remained unauthorisedly absent for a period of more than four years during the probationary period. Therefore, the order passed by the disciplinary authority cannot be said to be arbitrary or perverse.



9. In the light of the above discussion, the impugned order passed by the disciplinary authority does not suffer from any illegality or infirmity. Accordingly, this Writ Petition stands dismissed. No costs. Consequently, the connected W.M.P.Nos.34393 of 2018 and 5772 of 2022 are closed.

30-01-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

DIXIT

To

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Chennai - 600 005.
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HEMANT CHANDANGOUDAR, J.

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