

A.Vincent Vs. Tamil Nadu Water and Drainage Board and ors.

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SooperKanoon Citation : sooperkanoon.com/920405

Court : Chennai

Decided On : Aug-01-2011

Judge : Vinod K.Sharma, J.

Acts : Fundamental Rules - Rule 56(2); TWAD Board (Discipline and Appeal) Regulations, 1972 - Regulations 5(VI), 16(3) A(iv)(b)

Appeal No. : W.P.(MD)No.10501 of 2005

Appellant : A.Vincent

Respondent : Tamil Nadu Water and Drainage Board and ors.

Advocate for Def. : M/s.M.Ajmal Khan, Adv.

Advocate for Pet/Ap. : M/s.R.Thangasamy, Adv.

Judgement :

1. The petitioner moved an application, dated 23.03.1993 seeking voluntary retirement w.e.f. 30.06.1993, due to his family circumstances. The application though not formally accepted, but, no order was passed by the competent authority within the statutory period.
2. The petitioner without waiting for the final order of voluntary retirement, absented himself from duty.

3. Accordingly, a charge-sheet for absence from duty and insubordination for having not reported for duty, inspite of directions was served on the petitioner.
4. The Enquiry Officer did not find the petitioner guilty of the charges, in view of Rule 56(2) of Fundamental Rules. The competent authority while accepting the report of the Enquiry Officer, instead of voluntarily retiring the petitioner, asked him to wait till the Vigilance Enquiry was completed, which was said to be pending.
5. No details of Vigilance Enquiry were disclosed either to the petitioner or to this Court.
6. The Reviewing authority after issuance of show-cause notice disagreed with the finding of the Enquiry Officer, held the petitioner guilty of charges, and imposed a punishment of dismissal from service.
7. The petitioner being aggrieved by the order of dismissal, has approached this Court.
8. In view of the report of enquiry officer and action taken by competent authority thereon, read with Fundamental Rule 56(2) was of the prima facie view, that the punishment awarded to the petitioner was harsh. The respondent accordingly placed the matter before the authority and vide order, dated 28.7.2011, the authority competent has decided to modify the punishment of dismissal to compulsory retirement under Rule 56(2) of Fundamental Rules r/w Regulations 5(VI) and 16(3) A(iv)(b) of TWAD Board (Discipline and Appeal) Regulations, 1972.
9. A copy of the order has been placed on record and marked as Ex.A.
10. In view of the order-Ex.A, of compulsory retirement, the learned counsel for the petitioner does not press this Writ Petition.
11. Accordingly, the Writ Petition is dismissed as not pressed. It is hoped that in pursuance of the order of compulsory retirement passed, the consequential benefits will be released to the petitioner expeditiously. No costs.