



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.06.2015

Coram

WEB COPY

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD) .No.10170 of 2015
and
M.P. (MD) .No.1 of 2015

M.Ravindran Mariappan : Petitioner

vs.

1.The Secretary to the Government,
Youth Welfare and Sports Development (YW),
NCC Directorate,
(Tamil nadu Pondicherry and Andaman),
Chennai - 9.

2.The Deputy Director General of NCC,
Directorate of NCC,
St.George Fort, Chennai.

3.The Group Commander,
NCC Group Head Quarters,
No.86/1, P.T.Rajan Road,
Madurai.

4.The Commanding Officer,
3(TN) TU NCC,
Lions Town,
Thoothukudi

: Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India for the issue of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the 2nd respondent vide his Memorandum No.1332/203/SE/RM, dated 27.02.2015 and quash the same and consequently, direct the respondents to reinstate the petitioner in service with consequential benefits.

For Petitioner :Mr.K.Seemaraaj
For Respondents :Mr.S.Kumar
Addl.Govt.Pleader

O R D E R

The prayer in the Writ Petition is a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the 2nd respondent vide his Memorandum No.1332/203/SE/RM, dated 27.02.2015 and quash the same and consequently direct the



respondents to reinstate the petitioner in service with consequential benefits.

2. The case of the petitioner is that without issuing any show-cause notice and without following the principles of natural justice, the impugned order, dated 27.02.2015, has been issued, dismissing the petitioner from service, in terms Section 17(b) of Tamil Nadu Civil Service (Discipline and Appeal) Rules.

3. It is clearly stated in paragraph 12 of the impugned order that the petitioner is entitled to prefer an appeal before the Additional Chief Secretary to Government, Youth Welfare and Sports Development Department, Secretariat, Chennai, against the impugned order, within a period of two months. Since there is a provision of appeal remedy, it is open to the petitioner to prefer an appeal before the appellate authority, and it is for the petitioner to convince the authority for delay in preferring the appeal. Taking note of the facts and circumstances, the authority may consider and pass orders on the appeal to be preferred by the petitioner. On such filing of an appeal, the authority concerned is directed to dispose of the same, within a period of one month, thereafter.

4. With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AE)

/TRUE COPY/

Sub Assistant Registrar

To

1. The Secretary to the Government,
Youth Welfare and Sports Development (YW),
NCC Directorate, (Tamil nadu Pondicherry and Andaman),
Chennai - 9.
2. The Deputy Director General of NCC,
Directorate of NCC, St. George Fort, Chennai.
3. The Group Commander,
NCC Group Head Quarters,
No.86/1, P.T.Rajan Road, Madurai.
4. The Commanding Officer,
3(TN) TU NCC, Lions Town, Thoothukudi .

+1 C.C.To.M/s.K.Seemaraj, SR 33002
+1 GSM SR No.331256

MPK

SH:29.07.2015:P2/6C

W.P. (MD) .No.10170 of 2015
23.06.2015