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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.11.2015

CORAM :

THE HONOURABLE MR.JUSTICE V.RAMASUBRAMANIAN

and

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

Writ Petition (MD) No.20442 of 2015

and

M.P(MD)No.1 of 2015

V.Sakthivel

... Petitioner

Vs.

1.The Principal District Judge,
Pudukottai.

2.The Subordinate Judge,
Pudukottai.

3.The District Munsif cum Judicial
Magistrate, Thirumayam.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, calling for the records with regard to the disciplinary proceedings instituted against the petitioner in R.No.383/2014 and quash the impugned order of punishment dated 07.10.2015 issued by the 1st respondent.

For Petitioner

: Mr.P.Veerabaku

For Respondents

: Mr.S.S.Sundar

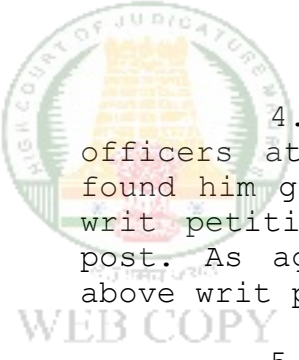
ORDER

(Order of the Court was made by V.RAMASUBRAMANIAN,J.)

The petitioner who is employed as a Sheristadar in the Sub Court, Pudukottai has come up with the above writ petition challenging the punishment of reduction to a lower post imposed upon him.

2.Heard Mr.P.Veerabaku, learned counsel for the petitioner and Mr.S.S.Sundar, learned Standing Counsel for the respondents.

3.Disciplinary proceedings were initiated against the petitioner on various allegations such as (i)that he borrowed a sum of Rs.70,000/- from the State Bank of India without obtaining the prior permission of the appropriate authority and also failed to repay the same (ii) that he borrowed another amount from a private party without obtaining due permission from the authority leading to the filing of two complaints under Section 138 of the Negotiable Instruments Act, 1881 and (iii) that he borrowed another sum of Rs.1,50,000/- from a private party without obtaining permission which resulted in the private party filing a civil suit in the very same Court in which he was the Sheristadar.



4. After holding an enquiry and after transferring two enquiry officers at the request of the petitioner, the third enquiry officer found him guilty of the charges. Eventually by the order impugned in the writ petition, he was imposed with a penalty of reduction to a lower post. As against the said order, the petitioner has come up with the above writ petition.

5. The petitioner has an effective statutory alternative remedy of appeal under the Rules. Therefore, we do not wish to entertain the writ petition, especially in the light of the charges levelled against him. Hence, with a liberty to the petitioner to file a statutory appeal, the writ petition is dismissed. No costs. Consequently, M.P(MD)No.1 of 2015 is closed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The Principal District Judge,
Pudukottai.

2. The Subordinate Judge,
Pudukottai.

3. The District Munsif cum Judicial
Magistrate, Thirumayam.

+1cc to Mr.P.Veerabaku, Advocate SR.No.67004

+1cc to Mr.S.S.Sundar, Advocate SR.No.67243

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sms

NS/AAL-MPA//02.12.2015 : 2P/6C