

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 04.07.2016

CORAM

THE HONOURABLE MR. JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR. JUSTICE M.V.MURALIDARAN

W.P. NO. 19488 OF 2015

AND

M.P. NO. 1 OF 2015

M.Sekar

.. Petitioner

- Vs -

The Principal District Judge
Salem District, Salem.

.. Respondent

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of certiorarified mandamus calling for the records pertaining to the impugned order in ROC No.12090/A/2014 dated 1.4.2015 issued by the respondent, quash the same and consequently direct the respondent to give promotion to the petitioner to the post in Category II Class IV of Tamil Nadu Judicial Ministerial Service with retrospective effect from the date on which the petitioner's junior was given promotion, as per the seniority in the present feeder category III Class IV with all benefits without reference to any other inapplicable Service Rules within a reasonable time to be fixed by this Court.

For Petitioner : Mr. R.Neelakandan

For Respondent : Mr. V.Vijay Shankar

ORDER

(DELIVERED BY HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent.

2. It appears that in respect of non-grant of promotion to the petitioner on some technical grounds, the petitioner is before this Court praying for a direction to the respondent to reconsider his case for promotion.

3. Be that as it may. In the service rules, there is a provision for filing an appeal to the appellate authority, which the petitioner has not exhausted. When there is provision of alternative remedy, it is for the petitioner to exhaust the same before approaching this Court. In such circumstances, this Court is of the considered view that it is premature for the petitioner to approach this Court at this point of time without

exhausting the alternative remedy.

4. Accordingly, the petitioner is permitted to approach the appellate authority, prescribed under the rules by filing an appeal within a period of four weeks from the date of receipt of a copy of this order. The appellate authority is directed to condone the period of delay in filing the appeal and consider the appeal on merits on the administrative side and pass orders as expeditiously as possible, in any event within a period of three months from the date of receipt of the appeal.

4. With the above observation and direction, this writ petition is disposed of. Consequently, connected miscellaneous petition is closed. However, there shall be no order as to costs.

Sd/-

Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

GLN

To

The Principal District Judge
Salem District, Salem.

+1 cc to Mr.R.Neelakandan, Advocate (sr.37874)

GJ(CO)

CP 23/07/2016

सत्यमेव जयते

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