

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2016

CORAM

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

W.P.No.21081 of 2016

Tmt.K.Malarkodi

.. Petitioner

-vs-

1. The Registrar General
High Court
Madras 104
2. Principal District Judge
Kancheepuram at Chengalpattu
3. District Munsif cum Judicial Magistrate
Uthramerur, Kancheepuram District
4. Judicial Magistrate No.II
Kancheepuram, Kancheepuram District .. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the third respondent in proceedings No.Nil dated 15.3.2016 as communicated by the second respondent in D.No.1635/A/321/2012 dated 22/23.3.2016 and quash the same and direct the respondents to confer all the consequential benefits on the petitioner.

For Petitioner :: Mr.P.Ganesan for M/s C.S.Associates

For Respondents:: Mr.E.K.Kumaresan

ORDER

(Order of the Court was delivered by HULUVADI G.RAMESH, J.)

Heard the learned counsel for the petitioner. Mr.E.K.Kumaresan, learned counsel is directed to take notice on behalf of the respondents.

2. It appears that the petitioner has faced a disciplinary enquiry due to the alleged misconduct. In the departmental

enquiry initiated under Rule 17(a) of the Tamil Nadu Civil Services (Discipline & Appeal) Rules against the petitioner, the enquiry officer, apart from holding the petitioner guilty of the charges, has proposed the punishment of withholding of increment for one year with cumulative effect and also imposed the same by the impugned order dated 15.3.2016. The petitioner, having worked as Bench Clerk Grade-III of District Munsif cum Judicial Magistrate Court, Uthiramerur, is now said to be working as Head Clerk of Judicial Magistrate Court No.II, Kancheepuram. Although there is a provision to file an appeal before the High Court against the illegality or procedural irregularity, however, we are of the view that since the petitioner has preferred this writ petition, we are inclined to set aside the impugned order of imposition of punishment on the petitioner by the inquiry officer. Accordingly, the writ petition is allowed and the impugned order is set aside. It is for the concerned enquiry officer to submit the report of the enquiry to the District Judge concerned to take a decision in accordance with law. Consequently, W.M.P.No.18028 of 2016 is closed. No costs.

Sd/-
Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

ss

To

1. The Registrar General
High Court
Chennai 600 104
2. The Principal District Judge
Kancheepuram at Chengalpattu
3. The District Munsif cum Judicial Magistrate
Uthiramerur, Kancheepuram District
4. The Judicial Magistrate No.II
Kancheepuram, Kancheepuram District

1 cc to M/s.C.S.Associates, Advocate, sr.34278

W.P.No.21081 of 2016

mp co
kra 11.07.2016