

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 19-09-2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH

AND

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.15400 of 2010

N.Subramaniyan

...Petitioner

-vs-

1.The Hon'ble Registrar (General),
High Court, Madras.

2.The Principal District Judge,
Villupuram.

...Respondents

Writ Petition under Article 226 of the Constitution of India, praying for issuance of a writ of certiorarified mandamus, to call for the records in respect of the impugned proceeding A.No.82/2010, dated 13.05.2010, passed by the second respondent and quash the same and direct the respondents to pass an order permitting the petitioner to retire from the service of Junior Assistant, Additional District Munsif Court, Gingee.

For Petitioner : Mr.V.Bhiman

For Respondents: Mr.C.T.Mohan

O R D E R

(Order of the Court was made by Huluvadi G.Ramesh, J.)

Heard the learned counsel for the parties.

2. According to the petitioner, he worked with the Judicial Department for more than 30 years without any allegation and, due to illness of his wife and to look after her, he sought for voluntary retirement from service; accordingly, he submitted an application on 20.08.2008 to the first respondent through proper channel, namely, the second respondent, and he also forwarded an advance copy to the first respondent to permit him to retire voluntarily from service from 31.11.2008. It is his further case that the second

respondent, vide the impugned proceedings, dated 13.05.2010, framed charges under Rule 17 (b) of the Tamil Nadu Civil Services (Discipline & Appeal) Rules against him, on the ground that he submitted the application to the High Court, Madras, without submitting it through proper channel, in order to deny him of the option to retire from service voluntarily. Accordingly, the petitioner is before this Court by way of this Writ Petition.

3. The second respondent sought to proceed against the petitioner on the ground that by bypassing the procedure/ High Court's Circular, dated 08.11.1993, the petitioner has submitted the application to the Hon'ble High Court directly, without submitting it through proper channel. The stand of the second respondent is that as per the said circular of the High Court, the staff of the Subordinate Judiciary should submit any complaints, grievances, appeals on any administrative orders to the Hon'ble High Court, Madras, only through proper channel. Thus, according to the second respondent, the petitioner has violated the established procedure, resulting in misconduct.

4. Learned counsel for the petitioner would submit that what was forwarded to the Hon'ble High Court/first respondent was only an advance copy of the application in anxiety, after submitting the application through proper channel, and the said act of the petitioner does not, in any way, violate the circular or the guidelines framed therein.

5. In view of the above submissions made by the learned counsel for the petitioner, the impugned proceedings initiated against the petitioner are treated as closed. It is for the respondents/authority to do the needful to the petitioner, in accordance with law.

6. Writ Petition is allowed. No costs. Consequently, the connected M.P.Nos.1 and 2 of 2010 are closed.
dixit

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Hon'ble Registrar (General),
High Court, Madras.

2.The Principal District Judge,
Villupuram.

3. The Additional District Munsif, Gingee.

+ 1 cc to Mr.V.Bhiman, Advocate Sr 52850

KR/26/10/16

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