

W.M.P.No.31928 of 2016
in
W.P.No.3766 of 2014

M.SUNDAR. J.

1. Mr.P.Srinivasan, learned counsel is present on behalf of the writ petitioner. Ms.V.Bhavisubbrayan, learned counsel is present on behalf of the respondents.

2.The writ petitioner is a constable in Railway Protection Force.

3. Main writ petition has been filed with a prayer to issue a writ of Certiorarified Mandamus to call for the records and quash the orders of dismissal of the writ petitioner from service and confirmation of the same in appeal on 26.06.2003 by the third respondent.

4. It is brought to the notice of the Court by the learned counsel for the writ petitioner that in the main writ petition counter affidavit has been filed and therefore pleadings are complete.

5. As set out supra, the main writ petition is one challenging the orders of dismissal from service and confirmation of the same in appeal. Therefore, whether the dismissal and confirmation of the same is in order or liable to be quashed has to be tested in the main writ petition. Pending such a prayer in the main writ petition, a prayer for re-instatement of the

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writ petitioner in service with full backwages, continuity in service and all attendant benefits cannot be acceded to.

6. Therefore, WMP.No.31928 of 2016 is dismissed. However, in the light of the fact that pleadings are complete in the main writ petition and in the light of the fact that both the learned counsel agree to argue the main writ petition at an early date, by consent an early date is fixed for disposal of the main writ petition and such date shall be 15.02.2017.

7. Registry is directed to post the main writ petition for final disposal before the Honourable Roaster Judge on 15.02.2017.

27.01.2017

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