

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.07.2018

CORAM:

THE HON'BLE MR.JUSTICE M.VENUGOPAL
AND
THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

W.P.No.18067 of 2018

C.Ranganathan
Masalchi of Judicial Magistrate
Court No.II,
Chengalpet. Petitioner

vs.

- 1.The Registrar General,
High Court of Madras,
Chennai-600 104.
- 2.The Principal District Judge,
Kancheepuram District,
Chengalpattu.
- 3.The Chief Judicial Magistrate,
Kancheepuram
Chengalpattu Respondents

Prayer:Petition filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus, to direct the first respondent to dispose the Appeal dated 30.12.2009, filed by the petitioner within the time prescribed by this Court.

For Petitioner : Mr.M.Muthappan

For Respondents : Mr.S.Kaithamalai Kumaran

ORDER

(Order of the Court was made by M.VENUGOPAL,J.)

Heard the Learned Counsel for the Petitioner as well as the Learned Counsel for the Respondents.

2.The Petitioner was appointed as 'Masalchi', through Employment Exchange in the Court of Judicial Magistrate No.2, Chengalpattu, by means of Proceedings of the Second Respondent/Principal District Judge, Kancheepuram, Chengalpattu, dated 26.02.2007. He joined the service on 01.03.2007 and he had suffered a 'Piles Complaint' and took treatment for the same. Therefore, he absented himself from duty for the period from 01.06.2007 to 23.07.2007. He was issued with a Memo on 02.06.2007 and 17.07.2017 by the Third Respondent/Chief Judicial Magistrate, Kancheepuram, Chengalpattu District, for his unauthorised absence and for the explanation called for, he submitted his explanation about his inability of submitting proper Leave Letter and prayed for treating the period of his absence as a 'Leave Without Salary' and further made a request to permit him to join in service. However, the Second Respondent/Principal District Judge, Kancheepuram, Chengalpet District, in his Proceedings, dated 30.07.2007, treated his absence period from 01.06.2007 to 23.07.2007 (53 days) as an 'Extraordinary Leave' on Medical Certificate and allowed him to join the service.

3.At this juncture, the Learned Counsel for the Petitioner brings it to the notice of this Court that in November 2007, the Petitioner again suffered the same 'Piles Complaint' problem and hence, he gave Leave Letter for 3 days from 11.11.2007 to 14.11.2007. Thereafter, he sent a Leave Letter through an Office Assistant of the Third Respondent/Chief Judicial Magistrate, Kancheepuram, on 15.11.2007 with a request to grant him further 3 days leave. However, the said Letter was returned to the said Office Assistant. Subsequently, after expiry of his leave, he went to join the duty. But, he was refused to join the service by the Learned Judicial Magistrate No.II. Thereafter, a Memo was issued to the Petitioner on 28.11.2007, calling for an explanation for his unauthorised absence. On receipt of the said Memo, he met the Learned Judicial Magistrate No.II and explained his position in person. But the Second Respondent, without framing any charges and conducting any enquiry, terminated his service with effect from 04.11.2007, through his Proceedings dated 12.06.2008.

4.The Learned Counsel for the Petitioner contends that the Petitioner filed W.P.No.26086 of 2009, against the Order of Termination dated 12.06.2008 and when the matter came up for admission, on 17.12.2009, before this Court, the Petitioner withdrew the same with liberty to file an Appeal before the First Respondent/Registrar General, High Court, Madras. He preferred an Appeal before the First Respondent on 30.12.2009. Since no Oder was passed in the subject matter in issue, the Petitioner made representation repeatedly to the First

Respondent/Registrar General, High Court, Madras, on numerous dates (including 19.06.2012, 13.12.2012, 28.08.2014 and lastly on 21.06.2017, by Registered Post). But till date, his Appeal was not yet disposed of, since 2009. Hence, he has preferred the present Writ Petition seeking for passing an Order by this Court in directing the First Respondent/Registrar General, High Court, Madras, to dispose of his Appeal, dated 30.12.2009, within the time prescribed by this Court.

5. In response, the Learned Counsel for the Respondents 1 to 3 submits that Order has been passed in the Appeal, dated 30.12.2009, preferred by the Petitioner, by the Hon'ble Judges of the Sub-Committee in ROC No.200/2010/C1 and the said Order passed in the Appeal will be communicated to the Petitioner shortly.

6. In view of the fact that the Hon'ble Judges of the Sub-Committee had passed Order in the Appeal dated 30.12.2009, preferred by the Petitioner and what remains now is only to communicate the said Order passed in the Appeal (ofcourse through proper Channel), this Court, at this stage, simpliciter deems it fit and proper in directing the First Respondent/Registrar General, High Court, Madras, to take necessary follow up steps to communicate the Order passed in the Appeal, within a period of two weeks from the date of receipt of copy of this Order.

With the above observations/directions, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS IV)
//True Copy//

Sub Assistant Registrar

To

1. The Registrar General,
High Court of Madras,
Chennai-600 104.
2. The Principal District Judge,
Kancheepuram District,
Chengalpattu.
3. The Chief Judicial Magistrate,
Kancheepuram
Chengalpattu

Copy to

1.The Section Officer,
Legal Cell Section
High Court, Madras.

2.The Section Officer,
C1, Section
High Court, Madras.

W.P.No.18067 of 2018

SSV(CO)
GSP(01/08/2018)



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