

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2018

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.28904 of 2017

and

W.M.P.Nos.31124 & 31125 of 2017

Sridhar Rajesh

... Petitioner

vs.

Inspector General of Registration
Officer of Inspector General of Registration
Chennai - 600 028

...Respondent

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to call for the records and quash the Inspector General of Registration order issued by the respondent to the petitioner dated 02.11.2017 vide No.39503/V1/2014 as being invalid in law.

For Petitioner : Mr.Nithyaesh Natraj

For Respondents : Mr.P.P.Purushothaman
Government Advocate

O R D E R

The petitioner is aggrieved against the order of the respondent dated 02.11.2017, awarding the punishment of dismissal from service.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondent.

3. Though this writ petition is filed by raising very many contentions on the merits of the impugned order, this Court, at this stage, is not inclined to go into the same and express any view on the simple reason that as against the impugned order of punishment, the petitioner is having a statutory appellate remedy before the Government, which the petitioner has not utilized. Considering the fact that the order impugned is the order passed by the Disciplinary Authority, this Court is of the view that the correctness or otherwise of the said order going

by the facts and circumstances of the case, has to be gone into and decided firstly by the next fact finding authority namely the Appellate Authority.

4. Needless to state that such Appellate Authority is empowered to re-appreciate the facts and evidence and find out as to whether the punishment imposed on the petitioner based on the materials available before the Disciplinary Authority, can be sustained or not. As such exercise of the Appellate Authority involves appreciation of the factual aspects of the matter, it is for the petitioner to canvas all the points raised in this writ petition before such authority, without seeking for an adjudication in this writ petition touching upon the merits of the punishment.

5. It is seen that the Disciplinary Authority has taken into consideration of the enquiry report and the reply submitted by the petitioner. Under such circumstances, it is for the petitioner to raise all the objections and grounds before the Appellate Authority by filing an appeal. Thus, without expressing any view on the merits of the matter, this Writ Petition is disposed of, by granting liberty to the petitioner to file an appeal before the concerned Appellate Authority challenging the order of punishment dated 02.11.2017, within a period of two weeks from the date of receipt of a copy of this order. If any such appeal is filed, such Appellate Authority shall consider the same and pass orders on its own merits and in accordance with law within a period of twelve weeks thereafter, without reference to the period of limitation, if any. No costs. Consequently, the connected miscellaneous petitions are closed.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

sni
To

Inspector General of Registration
Officer of Inspector General of Registration
Chennai - 600 028

+1 CC to Govt. Pleader sr 85062.

+1 CC to Mr.Nithyaesh & Vaibhav, Advocate sr 84513.

W.P.No.28904 of 2017

SJ(CO)
SP(21/12/2018)