

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.10.2018

CORAM:

THE HONOURABLE MR.JUSTICE SATRUGHANA PUJAHARI

W.P.No.27977 of 2018

K.Kumar

.. Petitioner

Vs

The Registrar,
University of Madras,
Chepauk,
Chennai - 600 005

.. Respondent

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for a writ of Mandamus directing the respondent to consider the revision petition submitted by the petitioner dated 18.04.2018 as under Rule 36 of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, 1955, in the light of the orders already passed by the respondent in the case of one Thiru M.Natarajan, Assistant Section Officer and Dr.Maa.Selvaraasan, Professor of Department of Tamil Language, within a resonable period.

For Petitioner : Mr.T.Ranganathan

For Respondent : Mr.Stalin Abhimanyu,
Standing Counsel

ORDER

The case of the petitioner in this case is that the petitioner was given with the order of compulsory retirement in a disciplinary proceedings by the disciplinary authority. Against the same, the petitioner submitted a Revision petition on 18.04.2018 under Rule 36 of the Tamil Nadu Civil Services (Discipline and Appeal) Rules to the respondent and come to file this writ petition seeking a direction to dispose of the same in a time bound manner.

2. The learned counsel appearing for the petitioner submits that since in respect of similarly situated persons, punishment has been revised / revoked and as such, he has filed this writ petition with the relief sought for.

3. However, the learned counsel appearing for the respondent, submits that the writ petition filed by the petitioner is an abuse process of law in view of the fact that

the punishment imposed on the petitioner has reached its finality being not interfered with the Apex Court suppressing which the petitioner has filed this writ petition. Therefore, the revision filed on the ground in respect of similarly situated persons such benefit being extended, the same be extended to the petitioner has no application to the case of the petitioner as that is related to different disciplinary proceedings and therefore the petitioner cannot take advantage of the same.

4. After hearing the learned counsel appearing for the parties and going through the materials on record, it appears to this Court that the petitioner has exhausted all the statutory remedies available against such punishment, so also, the writ jurisdiction of this court challenging such order of the Statutory Authority against the penalty imposed and being unsuccessful, in a SLP filed where he also did not succeed. After the same, the petitioner could not have come to this Court seeking the aforesaid direction for disposal of his revision petitioner that too suppressing the aforesaid fact. Hence, this Court is of the view that the petitioner who has not approached this Court with clean hands, does not deserve any sympathy of this Court and as such, the writ petition filed by the petitioner is dismissed and the petitioner is directed to pay penalty of Rs.1,000/- (Rupees thousand only) to the Tamil Nadu Legal Services Authority, High of Madras, Chennai within 15 days from the date of receipt of copy of this order. Consequently, the connected miscellaneous petition is also closed.

5. Post this matter under the caption "for reporting compliance" on 22.10.2018.

rka

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To
The Registrar,
University of Madras,
Chepauk,
Chennai - 600 005

+1cc to Stalin Abhimanyu, Advocate SR.No.72978
+1cc to M/s.T.Ranganathan, Advocate SR.No.73112

SJ(CO)
sm:20.11.2018

W.P.No.27977 of 2018