



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.01.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASANWP (MD) No.648 of 2018 and
WMP (MD) No.675 of 2018

Senthilvel

... Petitioner

Vs.

1. The Commissioner,
HR & CE (Admin) Department,
Chennai - 34.
2. The Joint Commissioner,
HR & CE Department,
Tirunelveli.
3. The Assistant Commissioner,
HR & CE Department,
Tirunelveli.
4. The Managing Director (Thakkar)
Arulmigu Sankara Rameswarar Tirukkoil,
Thoothukudi.
5. Subbiah
Trustee,
Sri Vadapathirakalaiaamman Trust,
Thoothukudi.
6. Balakrishnan,
Trustee,
Sri Vadapathirakalaiaamman Trust,
Thoothukudi.

... Respondents

Petition filed under Article 226 Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relating to the proceedings of the impugned order dated 07.08.2017 in R.P.170/2017 D2 on the file of the first respondent and quash the same and further directing the second respondent to implead the petitioner as party in Revision Petition No.2 of 2015 on the file of the second respondent.

For Petitioner : Mr.R.Maheswaran
For R1 & R2 : Mr.M.Rajarajan
Government Advocate
For R3 : Mr.Muthu Geethaiyan

ORDER

Challenging the order passed by the first respondent, Commissioner, HR & CE (Admin) Department, Chennai, dismissing the petitioner's application, seeking to implead him as a party in R.P.No.2 of 2015, pending before the Joint Commissioner, Tirunelveli, this writ petition has been filed.

2. Admittedly, against the order passed by the Commissioner, HR & CE (Admin) Department, Chennai, a revision is provided under Section 114 of the Tamil Nadu HR & CE Act, 1959 (Tamil Nadu Act, 22 of 1959) and without availing alternative remedy, the petitioner cannot file this writ petition. The said proposition has already been decided by a Division Bench of this Court in 2005 (4) L.W. 373 [L.P.Narayanan Chettiyar, Hereditary Trustee of Arulmighu Suyamprakasa Eswarar Temple, Eluppakudi village, Karaikudi Taluk, Sivagangai District Vs. The Commissioner, HR & CE Admn., Department, Chennai and others], which was also followed by the another Division Bench of this Court in WA(MD)Nos.346 and 247 of 2014 dated 16.08.2017.

3. In the above circumstances, this writ petition is dismissed. However, it is open to the petitioner to file a revision before the concerned authority against the order passed by the Commissioner, if he is so advised. Registry is directed to return the original impugned order to the petitioner. No costs. Consequently, WMP(MD)No.675 of 2018 is closed.

Sd/-

Assistant Registrar (W)

/True Copy/

Sub Assistant Registrar

To

1. The Commissioner,
HR & CE (Admin) Department,
Chennai - 34.

2. The Joint Commissioner,
HR & CE Department,
Tirunelveli.

+ 1 CC TO Mr.G.PRABHU RAJA DURAI, ADVOCATE IN SR No. 45222

+ 1 CC TO Mr.MUTHU GEETHAIYAN, ADVOCATE IN SR No. 45126

MJ

TE/SV-MMS/SAR-3 : 19/02/2018 : 2P/5C