



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.12.2018

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) No. 24654 of 2018

M.Rathi

... Petitioner

-Vs-

1.The Joint Commissioner of HR and CE,
Office of the Joint Commissioner HR and CE,
Madurai.

2.The Executive Officer,
A/M.Mathanagopalasamy Thirukovil,
Madurai.

3.Thakkar / Executive Officer,
A/M, Thanadayuthapani Swamy Thirukovil,
Dindigul Road, Madurai.

..Respondents

PRAYER:Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records of the first respondent made in Aa.Thi.Mu.8641/2018/E1 dated 01.11.2018 and quash the same as arbitrary and illegal and consequently direct the first respondent herein to number the petitioner's dispense with petition and proceed with the appeal without insisting the petitioner to produce original regularization order and appointment order.

For Petitioner : Mr.M.Thirunavukkarasu

For R1 : Mr.A.Muthukaruppan
Additional Government Pleader

For R2 and R3 : Mr.Manohar

ORDER

Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the first respondent and the learned counsel appearing for the second and third respondents.

2.By consent of both parties, this writ petition is taken up <https://hcservices.ecourt.gov.in/hcservices> at the stage of admission itself.

3.The writ petitioner was working as Cook in the second



respondent temple. She was dismissed from service on 09.05.2017. Questioning the same, the petitioner had filed an appeal before the first respondent. The grievance of the petitioner is that the first respondent is refusing to number the appeal.

4. The learned counsel appearing for the Temple points out that the writ petitioner did not comply with the returns made on the appeal memorandum. It is seen that the reason for not numbering the appeal is that the petitioner did not produce her appointment order as well as termination order in original.

5. I am of the view that for numbering the appeal, these orders need not be produced in original. The petitioner enclosed the copy of the dismissal order and a copy of the regularization order. When the petitioner has filed an application for dispensing with the original dismissal order and regularization order, the same also deserves to be allowed.

6. This Court, therefore, deems it fit to direct the first respondent to dispense with the production of the termination order in original and number the appeal of the petitioner and dispose of the same on merits and in accordance with law. Such disposal shall be done within a period of two months. It is made clear that this Court has not pronounced on the merits of the matter.

7. The learned counsel appearing for the Temple points that the petitioner has filed one other writ petition in respect of the same cause of action. The learned counsel for the petitioner undertakes to withdraw the said writ petition by next week. Recording the said undertaking this writ petition is allowed.

8. The Registry is directed to return the original appeal papers to the learned counsel for the petitioner. So that the same can be represented forth with. It is made clear that the time limit for disposal of the appeal by the first respondent shall begin to run from the date of representation of the appeal by the petitioner. No costs.

SD

ASSISTANT REGISTRAR (AD I)

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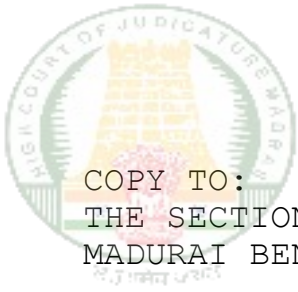
SUB ASSISTANT REGISTRAR (CS I)

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To

The Joint Commissioner of HR and CE,
Office of the Joint Commissioner HR and CE,

Madurai



COPY TO:
THE SECTION OFFICER ER SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

WIPCCOM 1CC TO MR. M THIRUNAVUKKARASU, ADVOCATE SR 100575
1CC TO MR. S. MANOGAR, ADVOCATE SR 100575
1CC TO THE SPL GOVT PLEADER SR 100421

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