



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P. (MD) No.18326 of 2018

and

W.M.P. (MD) No.16198 of 2018

M.Saraswathy

... Petitioner

vs.

1.The Inspector General of Registration
Santhome High Road, Chennai-28

2.The Deputy Inspector General of Registration
Madurai, Madurai District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus calling for the records pertaining to the impugned order made in No.46471/Aa1/2016, dated 23.07.2018 issued by the first respondent and quash the same and consequently direct the respondents to disburse the terminal benefits payable to the petitioner with interest.

For Petitioner : Mr.D.Sadiq Raja

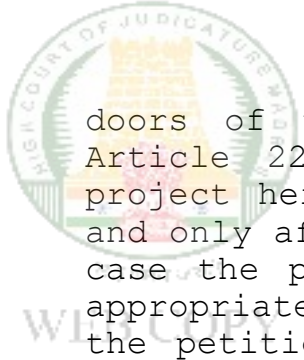
For Respondents : Mr.B.Pugalendhi, Additional Advocate General
Assisted by Mr.M.Murugan, Government Advocate

O R D E R

The present writ petition has been filed against the order passed by the first respondent dismissing the petitioner from service on the basis of the proved charges. In pursuance of a charge memo, a disciplinary action was initiated against the petitioner and enquiry was conducted into the charges. The Enquiry Officer submitted a report holding that the charges framed against the petitioner were proved and on the basis of the enquiry report, the Disciplinary Authority / first respondent issued the impugned proceedings dismissing the petitioner from service.

2. As against the order passed by the first respondent, a statutory appeal remedy is available before the Government, but, without resorting to the statutory appeal remedy, the petitioner has chosen to challenge the order passed by the Disciplinary Authority by invoking the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India.

3. This Court has, time and again, held that once effective statutory appeal remedy is available, any person aggrieved by the order passed by any subordinate Authority has to exhaust the appeal remedy and without resorting to the same, they cannot knock at the



doors of this Court by invoking its special jurisdiction under Article 226 of the Constitution of India. The petitioner can project her grievances before the Appellate Authority / Government and only after obtaining any orders from the Appellate Authority, in case the petitioner is still aggrieved by the same, she can seek appropriate remedy before this Court. It is certainly not open to the petitioner to bypass the statutory appeal remedy and approach this Court directly. Therefore, the writ petition is dismissed as not maintainable. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CRL.SIDE)

/True Copy/

Sub Assistant Registrar(CS-I)

To:

1.The Inspector General of Registration,
Santhome High Road,
Chennai-28.

2.The Deputy Inspector General of Registration,
Madurai, Madurai District.

+1cc TO MR.D.SADIQ RAJA ADVOCATE IN S.R. NO.79759.

+1CC TO SPECIAL GOVERNMENT PLEADER IN SR.NO.80018,79727.

KRK

DS RP SAR-1 03.10.2018 2P/5C

W.P.(MD) No.18326 of 2018

and

W.M.P.(MD) No.16198 of 2018

23.08.2018