



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.10.2018

CORAM:

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P. (MD) No.20693 of 2018

and

W.M.P. (MD) Nos.18436 & 18437 of 2018

Anand

... Petitioner

vs.

1.The Principal Secretary to Government
Home Department
Chennai-600 009

2.The Deputy Inspector General of Police
Armed Police, Trichy

3.The Commandant
TSP XIV Bn
Palani

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus challenging the impugned order passed by 3rd respondent in PR No.9/12 under rule 3(b) of TNPSS (D&A) Rules 1955 dated 02.03.2015 and quash the same and further directing the 3rd respondent to reinstate the petitioner in service with all benefits.

For Petitioner : Mr.T.Selvan

For Respondents : Mr.K.Mu.Muthu

Additional Government Pleader

O R D E R

The present writ petition has been filed challenging the order passed by the Disciplinary Authority, dated 02.03.2015. From the averments as disclosed in the affidavit filed in support of the writ petition, no where it is mentioned as to whether any appeal has been preferred as against the order passed by the Disciplinary Authority. However, when the learned counsel was confronted with a question as to whether the appeal remedy has been exhausted by the petitioner before approaching this Court, he was unable to provide any answer to this Court. Therefore, this Court, after taking note of the averments contained in the affidavit filed in support of the writ petition is of the view that the appeal remedy has been obviously not exhausted by the



petitioner before approaching this Court. When a statutory appeal remedy is available, the same has to be exhausted by any person, who seeks to invoke the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India.

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2. In view of the above, the writ petition is dismissed with liberty to the petitioner to file an appeal as against the order passed by the Disciplinary Authority and seek appropriate relief before the Authority concerned, if he is so advised. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Crl Side)

// True Copy //

Sub Assistant Registrar(CS-I)

To:

- 1.The Principal Secretary to Government,
Home Department,
Chennai-600 009.
- 2.The Deputy Inspector General of Police,
Armed Police, Trichy.
- 3.The Commandant,
TSP XIV Bn, Palani.

+1 CC To MR.T.SELVAN, Advocate SR. NO. 88000
+1 CC TO The Special Government Pleader SR.NO. 87939

W.P. (MD) No.20693 of 2018

and

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KRK

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