

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2019

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MR.JUSTICE C.SARAVANAN

Writ Petition No.18224 of 2019

R.Boopathi
Office Assistant
(under Termination)
Sub-Court, Sankaragiri,
Salem District. ...Petitioner

Vs

1.The Principal District Judge,
Salem.
2.The Sub-Judge,
Sankaragiri,
Salem District. Respondents

Writ Petition filed under Article 226 of the Constitution of India calling for records pertaining to the impugned order in Roc No.3807/2019 dated 27.04.2019 on the file of first respondent and quash the same and consequently, direct the respondents to reinstate the petitioner into service with all attended benefits and continuity of service within a reasonable period to be fixed by this Court.

For Petitioner : Mr.R.Neelakandan

For Respondents : Mr.B.Vijay

O R D E R

[Order was delivered by R.SUBBIAH, J]

Petitioner has filed the present Writ Petition seeking quash of the order of first respondent in Roc No.3807/2019 dated 27.04.2019 and consequently, direct the respondents to reinstate the petitioner into service with all attended benefits and continuity of service within a reasonable period.

2. Heard learned counsel for petitioner and learned counsel for respondents. Perused the materials on record.

3. Petitioner was appointed as an Office Assistant by first respondent in Subordinate Judicial Ministerial Service under Direct Recruitment by the selection process and was posted at Principal District Munsif Court, Salem, in the existing vacancy. However, petitioner was terminated from service under the impugned order. Hence, the present Writ Petition has been filed challenging the said order.

4. Learned counsel for respondents, relying on the counter, submits that statutory appeal remedy is available to the petitioner u/s.36 of Tamil Nadu Government Servants (Conditions of Services) Act, 2016 and without exhausting the same, the present Writ Petition has been filed.

5. This Court is of the view that when an alternate remedy is available, the present Writ Petition is premature in nature. Accordingly, the Writ Petition is dismissed. However, petitioner is at liberty to file the statutory appeal within a period of two weeks from the date of receipt of this order. No costs.

Registry is directed to return the original impugned order to learned counsel for petitioner.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1.The Principal District Judge, Salem.
- 2.The Subordinate Judge, Sankaragiri, Salem District.

Copy to : 1. The Registrar General,
 High Court, Madras.
 2. The Section Officer, Legal Cell
 High Court, Madras.
 3. The Section Officer, E.R.Section,
 High Court, Madras.

+1 cc to M/s.R.Neelakandan,Advocate Sr.No. 67806

AKM/16.09.19/2P-7C /

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