

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2019

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

Writ Petition No.31307 of 2019

S.Chandira

...Petitioner

Vs

1. The Principal District Judge
Dharmapuri.

2. Judicial Magistrate No.2,
Dharmapuri.

... Respondents

Writ Petition filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the first respondent to consider the petitioner's Review Petition dated 10.07.2017 followed by the Reminder dated 20.03.2018 praying to recall the order of punishment 'Stoppage of increment for Two Years with cumulative effect' imposed against the petitioner in the proceedings D.E.Nos.04 to 07/2016-A dated 27.07.2016 on the file of the first respondent and pass orders on merits and in accordance with law within a reasonable time.

For Petitioner : Mr.R.Neelakandan

O R D E R

[Order of the Court was made by R.SUBBIAH,J]

The petitioner has sought for issuance of a Writ of Mandamus to direct the first respondent to consider her Review Petition dated 10.07.2017 followed by the Reminder dated 20.03.2018, praying to recall the order of punishment 'Stoppage of increment for Two Years with cumulative effect' imposed against her in the proceedings D.E.Nos.04 to 07/2016-A dated 27.07.2016 on the file of the first respondent.

2. The petitioner was working as a Head Clerk in Judicial Magistrate I Court, Dharmapuri. An enquiry was conducted against him under Rule 17(b) of Tamil Nadu Civil Services (Discipline and Appeal) Rules relating to an allegation of misplacement of case records in Crl.M.P.No.2599 of 2012. After completion of enquiry, she has also explained that the case records could not

be traced. Finally, he was imposed with a punishment of stoppage of increment for two years with cumulative effect. Now the present writ petition has been filed stating that the misplaced records were traced out and hence she filed a review petition on 10.07.2017 to review the earlier order of punishment imposed on her. Since the said review petition was not considered, she has come forward with the present writ petition for the relief stated supra.

3. We are of the view that as against the order dated 27.07.2016 passed by the first respondent, the petitioner is having remedy of filing review petition as per Rules and therefore, writ petition is dismissed, however the petitioner is at liberty to pursue the said review petition before the first respondent.

4. The writ petition stands dismissed with the above observations. No costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

dpq

To

1. The Principal District Judge
Dharmapuri.

2. Judicial Magistrate No.2,
Dharmapuri.

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A.SK(12/12/2019)

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