



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.11.2019

CORAM:

**THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM**  
**and**  
**THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY**

**W.A. (MD) No.1384 of 2019**

The District Collector,  
Ramanathapuram District,  
Ramanathapuram.

... Appellant / Respondent

Vs.

S.Dhanasekaran

.. Respondent / Petitioner

**PRAYER:** Writ Appeal is filed under Clause 15 of the Letter Patent Act, to set aside the order passed in W.P.(MD)No.13948 of 2014 dated 19.07.2018 and allow this writ appeal.

**Prayer in WP(MD) . 13948/ 2014 :**

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari or any other appropriate writ or order or direction particularly in the nature of writ, calling for the records pertaining to the impugned order passed by the Respondent in Na.ka. Va5/10492/2013, dated 08.08.2014 and quash the same.

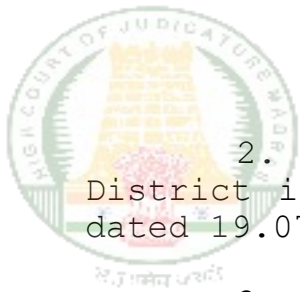
For Appellant : Mr.A.K.Baskara Pandian  
Special Government Pleader

For Respondent : Mr.Y.Prakash  
for Mr.G.Arunachalam

### **JUDGMENT**

[Judgment of this Court was made by **T.S.SIVAGNANAM, J.**]

Heard Mr.A.K.Baskara Pandian, learned Special Government Pleader for the appellant and Mr.Y.Prakash, learned counsel for Mr.G.Arunachalam, learned counsel for the respondent. By consent on either side, this writ appeal is taken up for final disposal at the admission stage itself.



2. This appeal by the District Collector, Ramanathapuram, District is directed against the order in W.P.(MD)No.13948 of 2014 dated 19.07.2018.

3. On perusal of the order of the learned writ Court, we find that the learned writ Court had considered the manner, in which the disciplinary proceedings were proceeded against the respondent / writ petitioner and found that there has been gross violation of procedure, consequently violations of principles of natural justice. Therefore, the learned writ Court thought fit to set aside the order of punishment and remitted the matter back to the Disciplinary Authority to appoint a fresh Enquiry Officer with clear guidelines and conduct enquiry by giving appropriate opportunity to the respondent / writ petitioner by supplying documents, which are to be relied by the Department and the appellant shall permit any person to lead evidence and such witnesses shall be brought to cross examine by the respondent / writ petitioner. The enquiry shall directed to be concluded on this lines.

4. We find that there is no error in the decision arrived at by the learned writ Court, especially when the writ Court found that there was procedural error in the conduct of the disciplinary proceedings. The appellant cannot be stated to be aggrieved, because the learned writ Court had not quashed the order in its entirety, but remanded the matter for fresh enquiry. Thus, we find that there are no grounds to interfere with the order passed by the learned writ Court. Accordingly, this writ appeal is dismissed. No costs.

Sd/-

Assistant Registrar (CS-III)

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/ /2020

Sub Assistant Registrar(CS)

+1 CC to M/s.Y. PRAKASH, Advocate ( SR-102700[F] dated 29/11/2019 )

+1 CC to M/s.Special Govt.Pleader( SR-103015[F] dated 02/12/2019 )

**ORDER MADE IN**  
**W.A. (MD) No.1384 of 2019**  
**29.11.2019**

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