



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P(MD)No.3525 of 2018

and

WMP(MD)No.3661 of 2018

M.Balamurugan

.. Petitioner

Vs.

- 1.The State rep.by
The Secretary to the Government,
Municipal Administration and
Water Supply Department,
Secretariat, Chennai - 600 009.
- 2.The Commissioner,
The Commissionerate of
Municipal Administration,
Chennai - 600 005.
- 3.The Commissioner,
The Madurai Municipal Corporation,
Madurai - 625 002.
- 4.The Enquiry Officer/
Superintending Engineer,
Madurai Municipal Corporation,
Madurai.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the records on the file of the 3rd respondent impugned final order in the disciplinary proceedings vide Ma No.31/022729/2017 dated 03.02.2018 and quash the same.

For Petitioner : Mr.Raja Karthikeyan

For R1 & R2 : Mr.M.Pandiarajan

Additional Government Pleader

For R3 : Mr.R.Murali

ORDER

Challenging the impugned punishment order passed by the
https://hcservices.ecourts.gov.in/hcservices/ types of government respondent in Ma No.31/022729/2017 dated 03.02.2018, this writ petition has been filed.



2.The learned counsel for the petitioner challenged the aforesaid order by raising various grounds. But, the learned Standing Counsel appearing for the third respondent submitted that against the impugned order of the third respondent, the petitioner is having an efficacious alternative remedy to file an appeal before the Government in terms of Rule 12 of Madurai Corporation Services (Discipline and Appeal) Rules, 1975. Without invoking the appellate remedy, the present writ petition is filed and therefore, the same is liable to be dismissed.

3.At this juncture, the learned counsel for the petitioner submitted that liberty may be given to the petitioner to approach the appellate authority and to raise all the grounds stated in the present writ petition.

4.In the light of the aforesaid submissions made on either side, this writ petition is disposed of, giving liberty to the petitioner to file an appeal before the Government within a period of two weeks from the date of receipt of a copy of this order. If any such appeal is filed within the aforesaid period, the same shall be disposed of by the concerned authority as early as possible. No costs. Consequently, WMP(MD)No.3661 of 2018 is closed.

Sd/-

Assistant Registrar(AE)

// True Copy //

Sub Assistant Registrar(CS)

mj

To

1.The Secretary to the Government,
Municipal Administration and
Water Supply Department,
Secretariat, Chennai - 600 009.

2.The Commissioner,
The Commissionerate of
Municipal Administration,
Chennai - 600 005.

3. The Section Officer,E.R.Section,
Madurai Bench of Madras High Court, Madurai.
(to return the original impugned order
after obtaining a copy of the same)



+1CC TO MR.RAJA KARTHIKEYAN, Advocate Sr. No.78065
+1CC TO MR.R.MURALI, Advocate Sr. No.77783
+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No.77847

WEB COPY

W.P(MD)No.3525 of 2018
25.07.2019

PK(CO)
TR (05.08.2019) 3P 7C