



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.09.2019

CORAM:

THE HONOURABLE MR. JUSTICE T.S. SIVAGNANAM

and

THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

W.P (MD) Nos. 4259 and 4260 of 2018

and

W.M.P. (MD) Nos. 4394, 4395, 12448, 12449, 12815 and 12816 of 2018

V.Muthulakshmi ...Petitioner in W.P. (MD) No. 4259 / 2018
A.N.Manickavasakam ...Petitioner in W.P. (MD) No. 4260 / 2018

Vs.

1.The Principal District Judge,
District Court, Dindigul.

2.S.Krishnarajan

3.P.Kannan ..Respondents in W.P. (MD) No. 4259 / 2018
(R2 and R3 are impleaded vide Court order dated 12.06.2018)

1.The Principal District Judge,
District Court, Dindigul.

2.S.Krishnarajan

3.P.Kannan ..Respondents in W.P. (MD) No. 4260 / 2018
(R2 is impleaded vide Court order dated 12.06.2018 and
R3 is impleaded vide Court order dated 28.06.2018)

COMMON PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, to call for the records pertaining to the impugned order passed by the respondent in his proceedings in A.No.23/2018/A1 dated 22.02.2018 and quash the same as illegal insofar as the petitioner is concerned.

For Petitioners : No Appearance

For R1 : Mr.K.Samidurai

For R2 and R3 : No Appearance
(in both petitions)

COMMON ORDER

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

The petitioners in both petitions Mrs. V.Muthulakshmi and Mr.A.N.Manickavasakam are present. The learned counsel appearing for the first respondent also present.



2. The petitioners had challenged the order passed by the Principal District Judge, Dindigul, dated 22.02.2018 reverting the petitioners to the post of Bench Clerk, Grade III for want of vacancy in the post of Head Clerk. An order of interim stay was granted on 28.02.2018, as a result of which, both the petitioners continue to function as Head Clerk. Mrs.V.Muthulakshmi has been permitted to retire from service on superannuation on 28.02.2018 subject to the result of the disciplinary proceedings pending against her in D.P.No.3 of 2016 and 6 of 2018 and clearance from the Vigilance Cell, High Court, Madras. To be noted, Mrs.V.Muthulakshmi was permitted to retire on superannuation in the post of Head Clerk, in the Judicial Magistrate Court, Nilakottai.

3. Mr.A.N.Manickavasagam, Head Clerk, Judicial Magistrate Court, Oddanchatram was permitted to retire from service on superannuation on the afternoon of 31.05.2018 subject to the result of the disciplinary proceedings initiated against him by the District Munsif-cum-Judicial Magistrate, Kodaikanal as per letter dated 15.05.2018.

4. Thus, both the petitioners, having been permitted to retire from service subject to the finalisation of disciplinary proceedings in the promoted post, we are of the view that the reversion order has worked good out and therefore, for all purposes the petitioners shall be treated as Head Clerks. Further, this observation is subject to the outcome of the disciplinary proceedings pending against the petitioners. Needless to state that the pensionary benefits shall be computed by reckoning the services of the petitioners as Head Clerks.

5. These Writ Petitions are disposed of with the above direction. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

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TO

1.The Principal District Judge, District Court, Dindigul.

+2CC TO MR.A.CHANDRAKUMAR, Advocate Sr. No.86263, 86264

+1CC TO MR.T.LAJAPATHI ROY, Advocate Sr. No.86519

ORDER MADE IN

W.P(MD)Nos.4259 and 4260 of 2018

10.09.2019

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