



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.10.2019

CORAM:

**THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE R.THARANI**

**W.P. (MD) No.22420 of 2019
and W.M.P. (MD) No.19209 of 2019**

S.Radhakrishnan

... Petitioner

-vs-

1.The Principal District Judge,
Madurai District,
Madurai - 625 020.

2.The Registrar General,
Madras High Court,
Chennai - 600 104.

3.The Principal Secretary to Government,
Home (Court-V) Department,
Secretariat,
Chennai - 600 009.

4.The Accountant General (A & E),
Anna Salai,
Thenampet,
Chennai - 600 018.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned Proceedings of the 1st respondent dated 23.07.2019 and quash the same as illegal and direct the respondents to revise the petitioner pay in the post of Head Clerk, JM Court in the Scale of pay from a sum of Rs.5000-150-8000 to a sum of Rs.5700-175-9200 with effect from 01.01.1996 and in the promotive post of Senior Sheristadar that is Head Clerk/Central Nazir of the Principal District Court in the Scale from Rs.5700-175-9200 to 6500-200-10500 as per G.O.Ms.705 Home (Courts-V) Department dated 08.10.2015 with effect from 01.04.2003 and consequently revise the petitioner pension with effect from 01.03.2012.

For Petitioner : Mr.C.M.Arumugam

For 3rd Respondent : Mr.A.K.Baskara Pandian
Special Government Pleader



For 4th Respondent

: Mr.P.Gunasekaran

O R D E R

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

Heard Mr.C.M.Arumugam, learned counsel appearing for the petitioner, Mr.A.K.Baskara Pandian, learned Special Government Pleader appearing for the 3rd respondent and Mr.P.Gunasekaran, learned Standing Counsel appearing for the 4th respondent.

2.By consent on either side, this Writ Petition itself is taken up for final disposal. In the light of the order we propose to pass herein, notice to the respondents 1 and 2 are dispensed with.

3.This Writ Petition has been filed challenging the order passed by the first respondent dated 23.07.2019, wherein partial relief has been granted to the petitioner with regard to the prayer sought for re-fixation of pay in the post of Head Clerk.

4.As against the rejection of his claim, the petitioner by way of this Writ Petition has directly approached this Court without going for the remedy of filing appeal against the rejection. The remedy of appeal is not only effective remedy but also efficacious remedy.

5.We dispose of the Writ Petition, giving liberty to the petitioner to file appeal before the High Court within 30 days from the date of receipt of a copy of this order. If such appeal is presented the same shall be taken up for hearing and disposed of on merits and in accordance with law.

6.The Writ Petition stands disposed of with the above direction. Consequently, connected Miscellaneous Petition is also closed. No costs.

Sd/-

Assistant Registrar(P & A)

// True Copy //

Sub Assistant Registrar(CS)

sj



To

- 1.The Principal District Judge,
Madurai District,
Madurai - 625 020.
- 2.The Registrar General,
Madras High Court,
Chennai - 600 104.
- 3.The Principal Secretary to Government,
Home (Court-V) Department,
Secretariat,
Chennai - 600 009.
- 4.The Accountant General (A & E),
Anna Salai,
Thenampet,
Chennai - 600 018.

+1CC TO MR.P.GUNASEKARAN, Advocate Sr. No. 93893
+1CC TO MR.C.M.ARUMUGAM, Advocate Sr. No. 94439
+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 94255

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AVS (CO)
TR(30.10.2019) 3P 8C