



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.09.2019

CORAM:

THE HONOURABLE Mr. JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE Mrs. JUSTICE R.THARANI

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**W.P. (MD)Nos.21721 & 21722 of 2016 and 8110 of 2017
and**

W.M.P. (MD)Nos.15533 of 2016 and 6240 of 2017

W.P. (MD)No.21721 of 2016:

M.Akila

... Petitioner

Vs.

- 1.The Hon'ble Principal District Judge,
Karur District, Karur.
- 2.The Hon'ble Principal Sub Ordinate Judge,
Karur, Karur District.
- 3.The Hon'ble Judicial Magistrate No.I,
Karur.

... Respondents

PRAYER: The petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records in pursuant to the impugned punishment order of reduction of Grade III Bench Clerk to Grade II Bench Clerk passed by the first respondent dated 12.07.2016 and quash the same and consequently direct the respondents to upgrade the petitioner to Grade III Bench Clerk level with all attended benefits.

For Petitioner	: Mr.M.Saravana Kumar
For Respondents	: Mr.N.Mohideen Basha

W.P. (MD)No.8110 of 2017:

A.Bharath Kumar

... Petitioner

Vs.

- 1.The Hon'ble Principal District Judge,
Karur District, Karur.
- 2.The Hon'ble Principal Sub Ordinate Judge,
Karur, Karur District.
- 3.The Hon'ble Judicial Magistrate No.I,
Karur.

... Respondents



PRAYER: The petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records in pursuant to the impugned order passed by the first respondent in D.P.No.4/2015/A1, dated 12.07.2016 and quash the same so far as the petitioner is concerned and consequently direct the respondents to reinstate the petitioner in service with all attended benefits.

For Petitioner : Mr.M.Saravana Kumar
For Respondents : Mr.N.Mohideen Basha

W.P. (MD)No.21722 of 2016:

T.Mathialagan

... Petitioner

Vs.

- 1.The Hon'ble Principal District Judge,
Karur District, Karur.
- 2.The Hon'ble Principal Sub Ordinate Judge,
Karur, Karur District.
- 3.The Hon'ble Judicial Magistrate No.I,
Karur.

... Respondents

PRAYER: The petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records in pursuant to the impugned punishment order of dismissal from service passed by the first respondent dated 12.07.2016 and quash the same and consequently direct the respondents to reinstate the petitioner in service with all attended benefits.

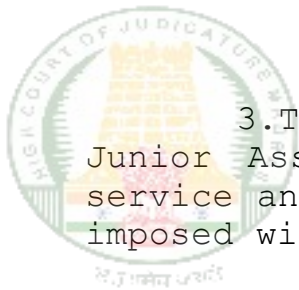
For Petitioner : Mr.M.Saravana Kumar
For Respondents : Mr.N.Mohideen Basha

COMMON ORDER

(Order of the Court was made by T.S.SIVAGNANAM, J.)

Heard Mr.M.Saravana Kumar, learned counsel for the petitioners and Mr.N.Mohideen Basha, learned counsel for the respondents.

2.The petitioners have filed these Writ petitions, challenging the order of punishment imposed upon them and all the petitioners are the employees working under the control of the learned Principal District Judge, Karur.



3.The petitioners, who were working as Night Watchman and Junior Assistant, had been imposed an order of dismissal from service and the petitioner, who is working as Head Clerk, has been imposed with a punishment of reduction in salary.

4.Admittedly, as against the impugned orders passed by the Principal District Judge, the petitioners have an effective alternative remedy of an appeal to the High Court. The appeal petition if filed by the petitioners will be decided by the High Court and orders will be issued in the name of the Registrar (General).

5.In our considered view, the petitioners should not bypass the appellate remedy available under the Rules as the appellate remedy is not only efficacious but effective. Therefore, we permit the petitioners to withdraw these Writ petitions with liberty to file appeals before the Registrar (General), Madras High Court, Chennai. If the appeals are filed before the Registrar (General), within a period of 4 weeks from the date of receipt of a copy of this order, the appeals shall not be rejected on the ground it is time barred and the same shall be considered in accordance with law. No costs. Consequently, connected W.M.Ps.are closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

nbj

To

1.The Hon'ble Principal District Judge,
Karur District, Karur.

2.The Hon'ble Principal Sub Ordinate Judge,
Karur, Karur District.

3.The Hon'ble Judicial Magistrate No.I,
Karur.

+2 CC to M/s.R. MATHIYALAGAN, Advocate (SR-84989,84990[F] dated 04/09/2019)

+1 cc to Mr.M.Saravana Kumar , Advocate SR.No.84988

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