

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :01.12.2020

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.13680 of 2013
and
M.P.No.1 of 2013

R. Kalaranjani

... Petitioner

Vs..

1.The State represented by
The Secretary to Government,
Home Department,
Fort St. George,
Chennai - 600 009.

2.The Inspector General of Registration
Santhome High Road,
Chennai - 600 028.

3.The Enquiry Officer cum Deputy Inspector General,
Madurai Region,
Madurai.

4.The District Registrar,
Udhagamandalam.

5.The Principal Accountant General,
381, Anna Salai,
Theynapet, Chennai - 600 018.

6.The District Treasury Officer,
Udagamandalam.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the entire records relating to the Proc. No. 51138/E1/2011 dated 15.03.2013, quash the same and further direct the respondents 1, 2, 5 & 6 to disburse the entire Death cum Retirement benefits in full and also full paymnet of pension from the date of superannuation namely 30.04.2013.

For Petitioner :Mr. D. Shivakumaran

For Respondents :Mr. T.M. Pappiah, for R1 to R4
Special Government Pleader

Mr. S. Thangavel, for R5 & R6
Special Government Pleader

O R D E R

This writ petition has been filed to call for the entire records relating to the Proc. No. 51138/E1/2011 dated 15.03.2013, quash the same and further direct the respondents 1, 2, 5 & 6 to disburse the entire Death cum Retirement benefits in full and also full payment of pension from the date of superannuation namely 30.04.2013.

2. The facts of the case is that while the petitioner was working as the Sub Registrar, Coonur, Nilgiris District, pursuant to a trap proceeding, it is alleged that the petitioner demanded a sum of Rs.10,000/- from one K.S.Sundararajan as illegal gratification for releasing a document. Thereafter, departmental proceedings were initiated which ended in infliction of compulsory retirement on the petitioner. Challenging the same, the present writ petition is filed.

3. The learned counsel appearing for the petitioner submits that though the petitioner was given an opportunity and he was allowed to cross examine, however, the departmental proceedings were not conducted in a proper manner, within a reasonable time and that the punishment is disproportionate to the charges levelled against the petitioner. Therefore, on the ground of delay in conducting the departmental proceedings, and non-application of mind in imposing punishment, the impugned order is liable to be quashed.

4. Mr. T.M. Pappiah, learned Special Government Pleader, appearing for the respondents submitted that in the present case, as against the punishment imposed, alternative remedy of appeal is available and without availing the same, filing this writ petition is not proper and the writ is not maintainable. Hence, he prays for dismissal of writ petition.

5. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents and perused the materials available on record.

6. The facts in issue are not in dispute. The petitioner has been inflicted with a punishment of compulsory retirement on

the proving of charges framed against the petitioner in the departmental proceeding by the disciplinary authority. Against the said punishment, remedy of appeal is available to the petitioner before the appellate authority. However, the petitioner, without exhausting the alternative remedy of appeal, has come straightaway before this Court by filing the present writ petition. In such circumstances, this Court is of the view that the petitioner ought to be relegated to exhaust the alternative remedy of appeal available to him before knocking the doors of this Court.

7. In such circumstances, this Court is not inclined to entertain the prayer and grant the relief prayed for in the present writ petition. There being an appellate remedy available to the petitioner, this writ petition is disposed of granting liberty to the petitioner to file the appeal, if so advised, within a period of four weeks from the date of receipt of a copy of this order and on such appeal being filed, the appellate authority/Government is directed to consider the appeal on merits and pass appropriate orders within a period of 24 weeks from the date of filing of the appeal by the petitioner.

8. This writ petition is disposed of with the aforesaid observations and directions. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

- 1.The Secretary to Government,
Home Department,
Fort St. George, Chennai - 600 009.
- 2.The Inspector General of Registration
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- 3.The Enquiry Officer cum Deputy Inspector General,
Madurai Region, Madurai.
- 4.The District Registrar,
Udhagamandalam.

5.The Principal Accountant General,
381, Anna Salai,
Theynampet, Chennai - 600 018.

6.The District Treasury Officer,
Udagamandalam.

+1cc to M/s.D.Shivakumaran, Advocate Sr.38504
+1cc to the Government Pleader Sr.38859, 38869

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srg 01/02/2021



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