

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 18.12.2020
CORAM
THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.2857 of 2011
And
M.P.No.1 of 2011

R.Mathana Gopal

... Petitioner

Vs.

The Commissioner of Municipal Administration,
Chepauk,
Chennai - 600 005.

... Respondent

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records relating to the impugned proceedings of the respondent issued in Roc No.4904/2004/J4 dated 24.12.2010 and to quash the same as illegal.

For Petitioner : Mr.T.Ranganathan

For Respondent : Mr.S.Thangavel

Special Government Pleader

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorari calling for the records relating to the impugned proceedings of the respondent issued in Roc No.4904/2004/J4 dated 24.12.2010 and to quash the same as illegal.

2.The case of the petitioner is that the petitioner was appointed as Health Assistant at Sivakasi Municipality on 22.08.1973 and was promoted as Sanitary Inspector in the year 1986. The petitioner was issued with charge memo on 12.08.2005 and the petitioner submitted his defence statement on 22.08.2005. Without considering the petitioner's defence statement, the respondent vide proceedings dated 21.11.2006 appointed Enquiry Officer and after enquiry, the respondent passed the impugned order of punishment imposing penalty of compulsory retirement. Hence this writ petition.

3.The learned counsel appearing for the petitioner would submit that the Enquiry Officer's report was not published to the petitioner. He would further submit that no opportunity of personal hearing was given to the petitioner so as to furnish the relevant materials for his defence.

4.The learned Special Government Pleader would submit that there is appeal remedy available for the petitioner. Without filing appeal before the competent Authority, filing writ petition is un-sustainable one.

5.In view of the submissions made by the learned Special Government Pleader, this Court refrains from rendering its opinion in this writ petition. The petitioner is at liberty to work out his remedy before the Appellate Authority. The petitioner is permitted to canvass all the points including the points raised in this writ petition before the Appellate Authority. The petitioner is permitted to file appeal, within a period of four weeks from the date of receipt of a copy of this order. If any such appeal is filed, the concerned Authority shall consider the same, on merits and in accordance with law and shall pass appropriate orders, within a period of twelve weeks from the date of receipt of the appeal.

6.The writ petition is accordingly disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Commissioner of Municipal Administration,
Chepauk, Chennai - 600 005.

2.The Principal Secretary to Government,
Municipal Administration and water supply Department,
Chennai -9.

+1cc to Mr.T.Ranganathan, Advocate, S.R.No. 4392
+1cc to the Government Pleader, S.R.No. 42278

W.P.No.2857 of 2011
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