

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.01.2020

CORAM :

The Hon'ble Mr.A.P.SAHI, THE CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE SUBRAMONIUM PRASAD

W.P.Nos.13601 and 14254 of 2019
and WMP Nos.13683 and 14343 of 2019

Y. Leema Rose : Petitioner in both the writ petitions

vs

1. The Registrar General,
High Court Madras,
Madras - 600 104.

2. The Deputy Registrar (Admn-III),
High Court, Madras
Madras - 600 104.

3. The District and Sessions Judge,
Kanniyakumari Division at
Nagercoil .. Respondents in both the writ petitions

Writ Petitions filed under Article 226 of the Constitution of India praying this Court to issue Writ of Certiorari to call for the records in proceedings in ROC No.9767/2018/C1 and 9767-A/2018/C1 dated 14.02.2019 on the file of the first respondent and quash the same.

For petitioner : Mr.V. Raghavachari

For 1st respondent : Mr.V. Vijay Shankar

COMMON ORDER

(made by The Hon'ble Chief Justice)

These two writ petitions arise out of disciplinary proceedings initiated against the petitioner, who is a Steno-Typist, presently working at District Court in Nagercoil.

2. W.P.No.13601 of 2019 has been filed by the petitioner assailing the order of the High Court dated 14.02.2019, whereby, her appeal against the punishment awarded to her by Principal

District Judge, imposing withdrawal of one increment for one year with cumulative effect has been rejected.

3. W.P.No.14254 of 2019 has been filed by the petitioner challenging the very same order, whereby, fresh proceedings have been directed to be initiated against her for having used intemperate language in preferring the appeal.

4. The matter had been heard by us at length on 04.12.2019 and having gone through the pleadings, records and after hearing the learned counsel for High Court, we had adjourned the matter to enable the petitioner to decide her own fate and to that effect, the petitioner has come forward with an affidavit that has been placed before us today. The affidavit recites as under:-

" Affidavit of Y. LEEMA ROSE

I, Leema Rose, Wife of Visuvamparam, Christian, aged 47 years, residing at 19/23, G3, Valiavilai, Chettiar Madam, Neyyoor Post, Kanyakumari, now at Madras, do hereby solemnly and sincerely affirm and state as follows;

1. I am working as a Steno Typist in Chief Judicial Magistrate, Nagercoil, presently. I have joined the services on 23.04.1998 in the Additional District Munsif Court, Eraniel. I have not faced any disciplinary proceedings any time before in my long career, though I have served over 20 judicial officers at different levels in the judicial hierarchy.

2. A punishment of one increment cut with cumulative effect had been imposed on me and I had challenged it before the Registrar, High Court, Madras.

One of the grounds had irked my superiors. I sincerely regret for the language employed. In my career of 21 years, I have not rendered an act unworthy of my position nor will I do in future.

I therefore pray that this Hon'ble Court may be pleased to accept this affidavit and pass suitable and appropriate orders exonerating me of any fault and render justice."

5. Having gone through the same and having considered the submissions raised, we find that the explanation offered by the petitioner in respect of the allegations made against her for not having undertaken the task of taking dictation notes was on account of the alleged ailment of her husband.

6. Additionally, she has stated before us that throughout her long career, she has served under more than 20 Judicial Officers at different levels in the judicial hierarchy and she was never indicted by any Officer at any point of time.

7. Having considered the submissions raised, we find that the explanation offered by the petitioner with regard to the ailment of her husband does not appear to have been appreciated or even dealt with while deciding the appeal.

8. The appellate order therefore does not appear to have been proceeded with on the footing of the defense set up by the petitioner. The explanation of ailment of her husband was supported by documents on record and also by the submissions given by the petitioner. In our opinion, non-consideration of such relevant material therefore vitiates the order of punishment of withdrawal of one increment with cumulative effect for one year. We therefore find that the order of punishment as well as the order of appeal stand vitiated on that account.

9. We, accordingly, set aside the punishment order as well as the appellate order while accepting the regret expressed by the petitioner in the affidavit filed by her for having employed intemperate language while presenting the appeal. She has further stated that in her career of 21 years she has not rendered an act unworthy of her position and also she has given an undertaking that she will maintain the decorum of the office held by her in future.

10. We accept the same and caution her to be careful in future. We accordingly allow both the writ petitions in the terms aforesaid. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

// True Copy//

Sub Assistant Registrar

sr

To

1. The Registrar General,
High Court Madras,
Madras - 600 104.
2. The Deputy Registrar (Admn-III),
High Court, Madras
Madras - 600 104.
3. The District and Sessions Judge,
Kanniyakumari Division at
Nagercoil.

Copy to: 1.The Section Officer,
Legal Cell,
High Court, Madras.

2.The Section Officer,
'C' Section,
High Court, Madras.

+1cc to Mr.V.Raghavachari, Advocate, SR.No.6239.

W.P.Nos.13601 and 14254 of 2019

BR(CO)
CSR: 18/02/2020