



WEB COPY

W.P(MD)No.4260 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.02.2020

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THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

W.P (MD)No.4260 of 2020

V.Yogeswaran

... Petitioner

Vs.

The Subordinate Judge,
Sub Court,
Eraniel,
Kanyakumari District.

... Respondent

Prayer : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned Endorsement, dated 05.12.2019 made by the respondent on the representation of the petitioner, dated 05.04.2019 and quash the same and consequently, direct the respondent to grant an increment to the petitioner for passing the Account Test for Subordinate Officers - Part I, from the date of successful completion of the said Test.

For Petitioner : Mr.R.V.Rajkumar

For Respondents : Mr.D.Sivaraman

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ORDER

[Order of the Court was made by **M.DURAI SWAMY, J.**]

Mr.D.Sivaraman, learned Counsel takes notice for the respondent.

2. The petitioner has filed the above writ petition to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned Endorsement, dated 05.12.2019 made by the respondent on the representation of the petitioner, dated 05.04.2019 and quash the same and consequently, direct the respondent to grant an increment to the petitioner for passing the Account Test for Subordinate Officers - Part I, from the date of successful completion of the said Test.



3. It is the case of the petitioner that he submitted an application dated 05.04.2019 seeking for advance increment and the respondent viz., the Subordinate Judge, Subordinate Court, Eraniel, Kanyakumari District had returned the application on 05.12.2019 stating that the advance increment is not eligible for the post of Bailiff. However, the petitioner has not re-presented the application giving reasons for claiming the relief.

4. In these circumstances, we give liberty to the petitioner to represent the application giving reasons for substantiating the claim made by him in the representation. The petitioner shall resubmit the application within a period of one week from the date of receipt of a copy of this order and on receipt of the same, the respondent shall decide the application on merits and in accordance with law.

5. With the above observations, the Writ Petition is disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

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Sub Assistant Registrar(CS)

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To

The Subordinate Judge,
Sub Court,
Eraniel,
Kanyakumari District.

+1 CC to Mr.D.SIVARAMAN (SR-9852[F] dated 03/03/2020)

+1 CC to Mr.R.V.RAJKUMAR, Advocate (SR-9901[F] dated 03/03/2020)

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