



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

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Writ Petition (MD)No.16520 of 2020

and

W.M.P. (MD) .Nos.13813 and 13814 of 2020

S.Moses

... Petitioner

Vs.

1.The Joint Director,
Office of the Joint Director of Health Service,
Thanjavur,
Office at Kumbakonam.

2.The Superintendent,
Government District Head Quarters Hospital,
Kumbakonam,
Thanjavur District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari to call for the records relates to the impugned order passed by the first respondent in his proceedings in Na.Ka.No.1944/Chika/2019, dated 20.10.2020 and quash the same as illegal, without jurisdiction and violative of principles of natural justice.

For Petitioner	: Mr.S.Sankar
For Respondents	: Mr.M.Karuppasamy Government Advocate

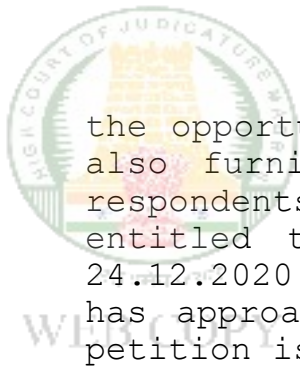
O R D E R

This writ petition has been filed challenging the impugned order passed by the first respondent in Na.Ka.No.1944/Chika/2019, dated 20.10.2020 and quash the same.

2. By consent, the writ petition itself is taken up for final disposal.

3. The main contention of the learned counsel appearing for the petitioner is that without providing any opportunity to the petitioner, the first respondent has imposed the punishment of withholding the increment for a period of six months without cumulative effect, by the impugned order, dated 20.10.2020.

4. Mr.M.Karuppasamy, learned Government Advocate appearing for the respondents would contend that the respondents have provided all



the opportunities to the petitioner and in fact, the petitioner has also furnished reply to all the explanations called for by the respondents. Further, he would contend that the petitioner is entitled to file an appeal before the appellate authority till 24.12.2020 and without exhausting the appeal remedy, the petitioner has approached this Court for appropriate orders. Hence, the writ petition is liable to be dismissed.

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

6. On perusal of the averments made in the affidavit filed in support of this writ petition, it appears that the respondents have given sufficient opportunity to the petitioner before passing the impugned order. In fact, the petitioner has also given reply to the show cause notice. That apart, the petitioner is also entitled to file an appeal up to 24.12.2020, against the impugned order, dated 20.10.2020 and without availing the appeal remedy, the petitioner has approached this Court by filing this writ petition. Therefore, this Court do not find any merit in the contentions of the writ petitioner. Accordingly, this Writ Petition is dismissed with liberty to the petitioner to avail the appeal remedy. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

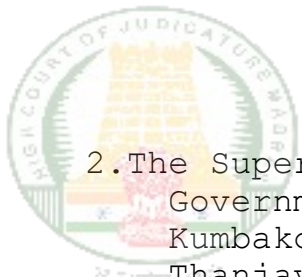
akv

Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Joint Director,
Office of the Joint Director of Health Service,
Thanjavur,
Office at Kumbakonam.



2.The Superintendent,
Government District Head Quarters Hospital,
Kumbakonam,
Thanjavur District.

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+1 CC to SPL GP (SR-22670[F] dated 24/11/2020)

W.P. (MD) No.16520 of 2020
23.11.2020

VB (04.12.2020) 3P 4C