

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.16915 of 2020

K.Kalaivani

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Petitioner

Vs.

1. The Disciplinary Authority
The Principal District Judge
Kancheepuram at Chenglepet.
2. The Inquiry Officer
District Munsif, Madurantakam
Chenglepet District.
3. The Principal District Munsif
Kancheepuram.

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Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for a writ of Certiorarified Mandamus calling for the records of the first respondent in order A.No.550/2018 D.No.2099/A/2020 dated 13.05.2020 of the first respondent and the consequential order in D.No.241/2020 dated 27.05.2020 of the third respondent and quash the said orders and to direct the respondents to reinstate the petitioner into service with all attendant service benefits.

For Petitioner

: Mr.P.Chandrasekar

For Respondents

: Mr.B.Vijay

ORDER

(Made by the Hon'ble Chief Justice)

The issue that arises in this writ petition is as to who ought to be the appellate authority to consider an appeal from the final order passed by a disciplinary authority, when the disciplinary authority is a Principal District Judge of a District.

2. Since such appeal, by convention and practice, has been dealt with by a Judge of this High Court or by a Committee of Judges of this High Court, as nominated for such purpose by the Chief Justice, the present petition is disposed of by permitting the petitioner to prefer an appeal within a fortnight from date, whereupon, the Registrar-General will place the matter before the Chief Justice for an appellate authority to be constituted.

3. Since the matter was pending for sometime in this Court, if there is any limitation involved in preferring the appeal, the period during which the petition remained pending and the time between now and the date of filing of the appeal should be excluded in assessing limitation.

4. W.P.No.16915 of 2020 is disposed of without going into the merits of the matter. There will be no order as to costs. As a consequence, WMP No.20988 of 2020 is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

kpl

To

1. The Disciplinary Authority
The Principal District Judge
Kancheepuram at Chenglepet.
2. The Inquiry Officer
District Munsif, Madurantakam
Chenglepet District.
3. The Principal District Munsif
Kancheepuram.
4. The Registrar General,
High Court, Madras.

+1cc to M/s.P.Chandrasekar, Advocate SR.10634

W.P.No.16915 of 2020

JP II(CO)
CB(12/03/2021)