



WEB COPY

W.P.[MD]No.10408 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P.[MD]No.10408 of 2021

and

W.M.P.[MD]No.8092 of 2021

Subramanian

... Petitioner

Vs.

1.The Registrar General,
Madras High Court, Chennai.

2.The Principal District Judge,
Principal District Court,
Thanjavur.

3.The Chief Judicial Magistrate,
Chief Judicial Magistrate Court,
Thanjavur.

4.The Judicial Magistrate,
Fast Track Court, Thanjavur.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records of the impugned order passed by the Principal District Judge/2nd respondent in A.No.5/2021, dated 01.04.2021 and quash the same and consequently directing the respondents to reinstate the petitioner into service.

For Petitioner : Mr.P.Edin Brough

For Respondents : Mr.N.Mohideen Basha

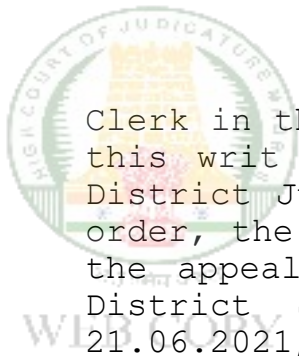
O R D E R

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

With the consent on either side, the Writ Petition itself is taken up for final disposal.

2.Heard Mr.P.Edin Brough, learned Counsel appearing for the petitioner and Mr.N.Mohideen Basha, learned Counsel appearing for the respondents.

3.The petitioner who was dismissed from service for <https://hcrs.copyspace.in/actives/> which was committed when he was working as Head



Clerk in the Judicial Magistrate's Court (FTC), Thanjavur, has filed this writ petition, challenging the order passed by the Principal District Judge, Thanjavur dated 01.04.2021. As against the impugned order, the petitioner has filed an appeal to the High Court, however the appeal petition was presented in the office of the Principal District Judge, Thanjavur, which was returned by memo dated 21.06.2021, advising the petitioner to submit the appeal petition through proper channel.

4.Further, we find that on the date when the petitioner was dismissed from service, he was working as a Copyist Superintendent in the Court of the Principal District Judge, Thanjavur. Furthermore, in terms of Rule 26 of the Tamil Nadu Civil Services (Disciplinary and Appeal) Rules, the head of office is entitled to receive the appeal petition and forward the same to the appellate authority. Therefore, we are of the view that the appeal petition filed by the petitioner can be received by the office of the Principal District Judge, Thanjavur and forward to the High Court.

5.It is submitted that the reason due to which the Principal District Judge, Thanjavur has returned the appal petition is because the petitioner has sent an advance copy, which is not the proper procedure. Therefore, the appeal petition in original should be presented before the Court of Principal District Judge, Thanjavur and then only it will be forwarded.

6.In the result, the Writ Petition is disposed of, by directing the petitioner to re-present the returned appeal petition to the office of the Principal District Judge, Thanjavur, which shall receive if it is in order and forward it to High Court for consideration by the appellate authority. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CSII)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

MR

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 Registrar General,
Madras High Court, Chennai.
- 2.The Principal District Judge,
Principal District Court,
Thanjavur.
- 3.The Chief Judicial Magistrate,
Chief Judicial Magistrate Court,
Thanjavur.
- 4.The Judicial Magistrate,
Fast Track Court, Thanjavur.

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KB(30.06.2021) 3P 5C