



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.09.2021

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P (MD)No.15896 of 2021

and

W.M.P(MD) Nos.12815 and 12816 of 2021

M. Balakrishnan

... Petitioner

Vs

1.The Commissioner of Treasuries and Accounts,
Integrated Finance Department Office Complex,
Vetinary Hospital Road,
Nanthanam, Chennai -23.

2.Additional Director (admin),
O/o. Commissioner of Treasuries and Accounts,
Integrated Finance Department Office Complex,
Vetinary Hospital Road,
Nanthanam, Chennai -35.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Certiorari to call for the records on the first respondent pertaining to its order bearing Se.mu.na.ka.No.14020/Q2/2020 dated 16.08.2021 and to quash the same as illegal and pass orders.

For Petitioner : Mr. S.C. Herold Singh
For Respondents : Mr.S.Shanmugavel,
Counsel for State.

ORDER

This Writ Petition is filed for the issuance of Writ of Certiorari to call for the records of the first respondent pertaining to its order bearing Se.mu.na.ka.No.14020/Q2/2020 dated 16.08.2021 and to quash the same as illegal.

2. According to the petitioner, the writ petitioner was working as Assistant Accounts Officer in the District Backward Welfare and Minority Welfare Office, Trichy and thereafter he was transferred to the Office of Assistant Commissioner of Labour (SSS), Tirunelveli on Foreign Service terms and conditions and he joined office on 10.07.2017. While he was working at the office of Assistant Commissioner of Labour (SSS), Tirunelveli, a show cause notice was served to the petitioner initiating proceedings under Section 17 (a) of Tamil Nadu Civil Service (Disciplinary and Appeal) Rules.



Thereafter, based on the charges framed against the petitioner, the petitioner was imposed with a punishment of stoppage of increment for a period of two years without cumulative effect by the first respondent. Assailing the said impugned order, the writ petitioner has filed the present writ petition before this Court.

3. According to the petitioner, the charges framed against the him were vague. He also raised other grounds in the Writ Petition.

4. Heard the counsels and perused the records.

5. In the impugned order passed by the respondent, it is specifically stated that the writ petitioner having an appeal remedy before the appellate authority, if he is aggrieved by the impugned order. Without exercising the said remedy, the writ petitioner has approached this Court, challenging the said impugned order is not maintainable.

6. In view of the above, this Court is not inclined to entertain this Writ Petition. Liberty is granted to the petitioner to approach the appellate authority and seek remedy.

7. With the above observation, the Writ Petition is dismissed. The original order copy filed along with the writ petition shall be returned to the petitioner after getting the xerox copy of the order. No costs. Consequently, connect Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

mnr

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 Commissioner of Treasuries and Accounts,
Integrated Finance Department Office Complex,
Vetinary Hospital Road,
Nanthanam, Chennai -23.



2.Additional Director (admin),
O/o. Commissioner of Treasuries and Accounts,
Integrated Finance Department Office Complex,
Vetinary Hospital Road,
Nanthanam, Chennai -35.

COPY TO: -

The Section Officer,
E.R.Section,
Madurai Bench of Madras High Court, Madurai (2 Copies)
(To Return the original order copy (Impugned order) after
getting a xerox copy of the same)

+1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-28306[F] dated
07/09/2021)

+1 CC to M/s.GP (SR-28318[F] dated 07/09/2021)

W.P(MD)No.15896 of 2021

and

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SR(CO)

GC/JC(09.11.2021) 3P 7C